OVERSIGHT OF THE CENSUS BUREAU

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

AUGUST 23, 1982

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OVERSIGHT OF THE CENSUS BUREAU

MONDAY, AUGUST 23, 1982

U.S. Senate,
Committee on Governmental Affairs,
Albuquerque, N. Mex.

The committee met at 9:05 a.m. in Albuquerque, N. Mex., at the Albuquerque Convention Center, Otto Miller Building, Hon. Harrison H. Schmitt presiding.

Present: Senator Schmitt.

Staff present: Jennifer Salisbury, legislative assistant.

OPENING STATEMENT OF SENATOR SCHMITT

Senator Schmitt. The hearing will come to order. Good morning, ladies and gentlemen.

As a new member of the Senate Governmental Affairs Committee, I am particularly honored to be chairing the first oversight hearing that this committee has conducted on the Census Bureau since 1980. The purpose of this hearing is twofold. In addition to laying the groundwork for future hearings under the offices of Senator Percy and the Governmental Affairs Committee, today we will first examine the way the census was conducted in New Mexico as a case study. In 2 short years since the Census Bureau completed its work on the 1980 census, many people in the State are angry with the way the census was conducted. Community leaders are angry because the Census Bureau did not rectify documented mistakes. Hispanics and Indians are angry because they believe the Census Bureau did not do enough to assure they would be fairly counted.

Why is this important? It's important because billions of dollars in Federal aid are distributed to governments under formulas that use census data. The census has become more political than the Founding Fathers ever expected it to be, I'm sure, and we must make sure that it is done properly.

The second purpose of the hearing is that it is August 23 and we are still not certain whether the second attempt at redistricting the State legislature will be approved. It concerns me that the State has needlessly, potentially and probably needlessly, spent more than $1 million, with that price tag going up, to redistrict the legislature. This entire expenditure could have been avoided if the Census Bureau in New Mexico could have come to some agreement on how to meet New Mexico's unique needs 6 years ago.

There is some question as to whether the Census Bureau was responsive to the situation as it then existed. All of this could have been avoided had the Census Bureau accepted the plans containing precincts following invisible boundaries. In July of this year, I introduced a bill which would require the Census Bureau to do just that. That is, of course, have their enumeration districts correspond with political boundaries. Some of which are "invisible." Would that requirement be too burdensome on the Census Bureau? I think not. The Census Bureau has proved that it could convert census information to conform to our precinct lines when it did so after the first redistricting was ruled unconstitutional. We appreciate that they were able to do that, but one asks why it could not have been done earlier.

Mr. Bruce Chapman, Director of the Census Bureau, will address this issue in his testimony, as well as other items of interest. Some of the other witnesses will be able to comment on my legislation, as well as the specifics of their local undercount situation in New Mexico. Although the bill I have introduced will solve the problem that States like New Mexico have in dealing with census data, technology offers a long-term, permanent solution to census taking.

America's space technology offers another opportunity for many of the census problems to be resolved. At this very moment, there are satellites circling the Earth that enable an individual, an aircraft, or a ship to know exactly where in the world they are located. This system, which is just beginning to be put into place, is known as the Navstar global positioning satellite system or GPS. It uses a device like the one that we have in the back of the room—wherever they ended up—in the back of the room to communicate with the satellite circling overhead and inform the user of the instrument of where he is within 10 meters or so.

For our purposes, this may include which side of a precinct line that an enumerator is located. In gathering certain types of data, the device thus offers the potential for locating houses or any other item of particular interest to the census during the census-taking process.

[Senator Schmitt's prepared statement follows:]

Prepared Statement of Senator Schmitt

Good morning ladies and gentlemen. As a new member of the Senate Governmental Affairs Committee, I am honored to be chairing the first oversight hearing that this committee has conducted on the Census Bureau since 1980. The purpose of the hearing is twofold. First, in the two short years since the Census Bureau completed its work on the 1980 census, I have talked to many people who are angry about the way in which the census was conducted in New Mexico. Community leaders are angry because the Census Bureau did not rectify mistakes that were documented for them. Hispanics and Indians are angry because they believe that the Census Bureau did not do enough to assure that all minorities would be counted.

Why is this important? It is important because billions of dollars in Federal aid are distributed to State and local governments under formulas that use census data. Clearly, an accurate census is crucial to New Mexico, particularly in times like these when there are fewer Federal dollars to be distributed. New Mexicans only want their fair share of the Federal pie. I am hopeful that the witnesses who will testify this morning will describe what went wrong in 1980, why this happened, and how the Census Bureau can avoid making the same mistakes in 1990.

The second purpose of the hearing is that it is August 23 and we are still not certain whether the second attempt at redistricting the State legislature will be approved by the three judge panel. It concerns me that the State has needlessly spent more than a million dollars to redistrict the legislature. I believe that this entire expenditure could have been avoided if the Census Bureau had been more responsive to New Mexico's needs six years ago.

How could we have avoided spending a million dollars? Let me take a few minutes to explain. Prior to 1975, the New Mexico State Legislature worked countless hours trying to devise proper legislative boundaries in accordance with the principle of one man, one vote. Our State was like most others in that legislative districts were made up of precincts—which is totally different from what the Census Bureau used to count our population. In 1975, a Federal law was passed that made it easier for States to get precinct data converted into usable Census data. The law permitted the Census Bureau to provide this information so long as a State submitted a plan which complied with criteria established by the Census Bureau. This should have been New Mexico's salvation, but it was not because the Bureau would not accept plans in which boundaries were drawn along invisible lines. Requiring visible boundaries discriminated against New Mexico and any other State whose landscape was dominated by mountains, deserts, and plains, rather than neatly delineated roads.

Since New Mexico could not meet this requirement and the Census Bureau was unwilling or unable to change the criteria, we were not able to get any of the census data converted after the 1980 census. Because of this, our legislature used a votes cast formula to redistrict the legislature which as we all know, was thrown out as unconsitutional. We may soon be back at the drawing board if the challenge to the second redistricting is successful.

I said earlier that I believed that all of this could have been avoided had the Census Bureau accepted plans containing precincts following invisible boundaries. In July, I introduced a bill which would require the Census Bureau to do just that. Would this requirement be too burdensome for the Census Bureau? Not at all, the Census Bureau proved that it could convert census information to conform to our precinct lines when it did so after the first redistricting was ruled unconstitutional. Although it cost the State about sixty thousand dollars to get the information converted, I believe that most of the expense was due to excessively poor precinct maps. If we could get the county clerks to update their maps, then the Census Bureau should be able to accept precinct boundaries that followed invisible boundaries and this problem would be avoided in 1990.

I am hopeful that Mr. Bruce Chapman, the Director of the Census Bureau, will address this issue in his testimony. I know that some of the other witnesses will be able to comment on my legislation as well as the specifics of New Mexico's situation.

Although my bill will solve the problem that States like New Mexico have in dealing with census data, technology offers the long-term, permanent solution to census taking. As many of you know, I have been a strong and consistent supporter of research and development so that the fruits of technology can be used to improve all of our lives. The process of taking the census represents yet another example of how our daily burdens can be eased by technology.

The Census Bureau itself has at times been a leader in developing technology. It is a surprise to most people that the earliest computer was developed at the Census Bureau to help count our population around the turn of the century. Of course, today's census would be completely unmanageable without our high speed computers.

America's preeminence in space technology offers another opportunity for another census problem to be resolved through applications of technology. At this very moment, there are satellites circling the Earth that enable an individual, an aircraft, or a ship to know exactly where in the world they are located. This system, known as the Navstar Global Positioning System (GPS), uses a device like the one I have here to communicate with a satellite circling overhead and inform the user where he is.

For our purposes, this may include which side a precinct line that an enumerator is located. This device thus offers the potential for locating houses during the census taking. Of course, this system is still in its development stages, and no one can foretell exactly how it will be ultimately deployed. But I think this machinery shows that we are making very great progress in technology, and that ultimately technology offers an opportunity to resolve what would otherwise be a complex administrative problem.

At this time, I would like to ask that the representative from Magnavox step forward so that we can demonstrate how the GPS will be used.

Before I ask Mr. Chapman to present his testimony, I would like to read the testimony of Senator Charles Percy into the record. Senator Percy regretfully could not attend this hearing, but I am hopeful that after he has had an opportunity to review the transcripts of this hearing, he will conduct additional oversight hearings on the Census Bureau.

Senator SCHMITT. Now, would the representative from Magnavox step forward and demonstrate very briefly how the GPS will be used. We in New Mexico, of course, are always looking for new technology to latch onto. This is one that is particularly interesting.

Please introduce yourself.

TESTIMONY OF WALTER E. AIRTH, MANAGER, BUSINESS DEVELOPMENT, ADVANCED PRODUCTS DIVISION, MAGNAVOX

Mr. AIRTH. My name is Walter E. Airth from Magnavox in Torrance, Calif. We are a contractor for the Department of Defense and are currently building numerous configurations of Navstar global positioning systems described here. They vary from a man pack to tanks, to aircraft carriers, helicopters, submarines and aircraft. Primarily, the military users would be those that provide position information 5 to 7 meters, especially under 10 meters, worldwide, via satellites that will be orbiting the Earth. There are currently six satellites developed by the Department of Defense. There will be a total of 21, and those satellites will be providing data to GPS users on Earth, and those users vary from man to ships, planes, trucks and tanks.

That capability will be available in the 1987 timeframe. It is currently available for about 4 hours a day. As the additional satellites will be launched at—the capability will be 100 percent. They will provide latitude, longitudinal position information, altitude information extremely accurate worldwide to all potential users.

This particular box was developed for NASA Langley Research Center. We also have man packs down to a 10-pound weight to be put directly on your back. That will give you a readout on your belt and provide position information. That equipment is intended to sell somewhere under $10,000 in today's dollars for the military use, and I see that that could easily be driven under $2,000 for the 1990 timeframe. We have a number of studies looking at the specific configurations, and I would expect that a man pack or vehicle such as a tank or truck unit would be used for your purposes. As the military users increase, it is going to drive the potential price down on something that can be available for this purpose.

There is no reason to expect that the nonmilitary users would necessarily have to bear any of the development costs or employment costs. It's principally a military system. The system that was developed in the late fifties for the Polaris and Poseidon, primarily, and then released for civil use about 3 years later. The entire costs were borne by the Department of Defense or military users and the satellites' updated techniques and development was borne by the military, so this is only one of the fringe benefits that is intended as a national asset for our users.

With respect to the census, I think it is reasonable to assume that in many parts of the country, because of the populous and other demographic censors it would not be necessary to use this kind of instrument, but in the Western United States where there is a great deal of unoccupied land and enumerator districts tend to take off across country, this might well be the system that would provide a much more precise census than we have had in the past.

I would imagine that one of the things that could be done by the ability such as Magnavox or anyone, GPS, would be to develop some sets and in turn lease them to the various States or to the Census Bureau for use by them during a period of time that it would not be used by other users throughout the year, where there is no census taken.

Senator SCHMITT. Now, would the data be recorded or is it recorded in the man pack situation?

Mr. AIRTH. In the man pack situation, we have a piece of electronics that fits directly on your back, and I have some photographs of it back there. It weighs about 10 pounds, receives information directly from the satellite, has a control display unit, and does have a radio link which, in turn, allows you to send data that you have collected to stations at some distance and dump it, so you can, in turn, take your position.

Senator SCHMITT. Would that data intake be computer compatible so it could be directly fed or transported through a computer for a fairly rapid analysis of the information?

Mr. AIRTH. Right, and it represents some type of authentication that you perhaps have not passed and have—telling you exactly where that data was gathered or where it was originated from.

Senator SCHMITT. Would it also tell you whether or not your enumerator was out there collecting the data they said they had collected?

Mr. AIRTH. That is right. It will tell them where he is reporting from and that information will be available to a master center so they would, in fact, know that he is gathering data and he is transmitting from that particular location. This is a totally passive system. There is no active receivers required.

Senator SCHMITT. Thank you, sir. That is very illuminating and just another demonstration of what might be possible in 1990, if we do our homework.

Mr. AIRTH. I have some information there that can be picked up. Some of that will be included in our record.[1]

Senator SCHMITT. Before I ask Mr. Chapman to present his testimony, I would like to enter into the record the testimony of Senator Charles Percy, who had hoped to be with us this morning, but regretfully could not attend. I am hopeful that after he has had an opportunity to review the transcript of this hearing, he would conduct additional oversight hearings on the Census Bureau, also, elsewhere in the country, as well as in the Nation's Capital. I would like to read just very briefly a few of the paragraphs from Senator Percy's testimony:

> I am pleased that you are holding hearings on the Census Bureau this morning. I regret I am not able to attend this important hearing, because I believe that many of the problems with the 1980 census that occurred in Illinois also occurred in New Mexico. The Census Bureau surveys affect Illinois and the Nation in many ways, and I am concerned that the management of the 1980 census and the delays in the release of census-generated data are hurting the Nation. By not having timely and accurate data, businesses suffer and it is more difficult for states to plan their activities, allocate their budgets and deliver services to their citizens.
>
> I understand the problems I have just touched on are also shared by Mew Mexico. I will be looking forward to seeing the transcript of today's proceedings. Your in-

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[1] The information referred to may be found in the committee files.

quiry this morning constitutes an important step in trying to prevent these problems from recurring in the 1990 census.

In sum, we need census information so we can understand ourselves as a people striving for great goals and achievements. That is why this morning's hearings are so important.

[Senator Percy's opening statement follows:]

OPENING STATEMENT OF SENATOR CHARLES H. PERCY

Senator Schmitt, I am pleased that you are holding hearings on the Census Bureau this morning. I regret I am not able to attend this important hearing, because I believe that many of the problems with the 1980 census that occurred in Illinois also occured in New Mexico. The Census Bureau surveys affect Illinois and the Nation in many ways, and I am concerned that the management of the 1980 census and the delays in the release of census-generated data are hurting the Nation. By not having timely and accurate data, businesses suffer and it is more difficult for states to plan their activities, allocate their budgets and deliver services to their citizens.

Census Bureau data is imprtant to every sector in Illinois. I have received letters and telephone calls from people in Illinois telling me of their apprehension about census data collection and release.

Unemployment is one of the worst problems in the state of Illinois. I could see this concern everywhere during my visits to each of the 102 counties in Illinois. Not only the new worker, but everyone in society benefits from additional employment, the whole economy is more productive, and there are more goods and services available to the consumer. That individual who has a new job becomes a taxpayer, rather than a burden on the welfare rolls.

So it is important that every possible tool be used to create new jobs. The Census Bureau's data has an important role to play here. The use of Census data can lead directly to the creation of jobs throughout the economy. It does this by making it possible for entrepreneurs and mangers to identify new markets, clients and commercial opportunities. Census data also helps firms to operate more efficiently, to be more productive, to grow and prosper. In this way Census data helps create jobs indirectly, too. The importance of Census data for creating new employment is one of the reasons why I am concerned that the Census Bureau operate efficiently and produce accurate, timely data.

A vital but little known aspect of the Census Bureau's activities is the collection of data about foreign economies and about American imports and exports. Exporters of Illinois manufactured goods rely in part on Census Bureau data to find markets and sell their goods; by not having accurate and up-to-date data in this area, our balance of trade position is hurt, our jobs are exported overseas, and foreign manufacturers can more easily dump their products on American markets.

Manufacturers, wholesalers, retailers, and tradesmen in a variety of fields use census data one way or another. Those who market their goods and services need census data to do their jobs efficiently. Those who have jobs to offer can use census data to find labor pools. Without timely data, though, it is harder for potential employers to find the new employees they seek—no matter how hard those people may be looking for jobs.

Service organizations in Illinois need census data to develop and administer effective, efficient programs. Those groups seeking to help the elderly and young children are especially hurt by the slow release of census data. Most available data is over 12 years old, so the children which service organizations are trying to help were not even born when the data was collected. information about the quality of housing, jobs, neighborhoods and families are needed for social programs, and these data are often not available. It is very hard to ask communities to help themselves, when the Federal government will not make available the data they need to do this.

The Hispanic community in Illinois is especially hard-hit by the slow and spotty release of census data. Because this community is so rapidly growing, and its situation changing so quickly, the most recent data is needed. Yet it is this very area where there are perhaps the biggest problems with the Census Bureau's collection and dissemination of data. Many of the same problems have affected the data collection of other minorities. It is important that aspirations of the Hispanic community and other minorities receive recognition and attention by the Federal government, and census data has an important role to play.

Census data is vital if we are to know the situation of minority groups in this country. Much of the data on whether equal opportunity goals are being met, and on the extent of discrimination in hiring practices, may have been lost due to changes in Census Bureau procedures.

I am deeply disturbed about reports of mismanagement of the 1980 census in Chicago. I hope that the hearings today will address how effectively the Census Bureau performed during the last 10-year census. I have prepared a list of questions I would like you to ask the Director of the Census Bureau this morning. I believe it essential that the very best efforts be made to count each and every person in the United States during the census, and to document their situation as accurately as possible. We need this information for the allocation of Federal block grants, for the efficient operation of our economic system, and for the prosperity and well-being of every individual in the country.

I understand the problems I have just touched on are also shared by New Mexico. I will be looking forward to seeing the transcript of today's proceedings. Your inquiry this morning constitutes an important step in trying to prevent these problems from recurring in the 1990 census.

In sum, we need census information so that we can understand ourselves as a people striving for great goals and achievements. That is why this morning's hearings are so important.

Senator SCHMITT. With us this morning is Bruce Chapman, who is Director of the Bureau of the Census. He is accompanied this morning, I believe, by Peter Bounpane, who is the Director of the Decennial Census, and Marshall Turner, Assistant Division Chief, Data Users Service Division. Thank you for coming to New Mexico, and we are very happy to have you here.

As you know, we are still in the throes of a major discovery, directly and indirectly, related to census activities. We hope you can shed some light on why that happened and perhaps how it can be avoided in the future. Please proceed, and if you can summarize your testimony, the entire testimony will be included in our record.

TESTIMONY OF BRUCE CHAPMAN, DIRECTOR, BUREAU OF THE CENSUS, ACCOMPANIED BY PETER BOUNPANE, ASSISTANT DIRECTOR FOR DECENNIAL CENSUS, AND MARSHALL TURNER, ASSISTANT DIVISION CHIEF, DATA USERS SERVICE DIVISION

Mr. CHAPMAN. I would like to read the entire testimony that I have, because I think it's important to get the detailed view on the record for your consideration today. I would also like to introduce Mr. Bounpane and Mr. Turner, as well as Mr. Ken Ellwinger from our regional office in Denver, which was involved in the 1980 census here in New Mexico.

Mr. Chairman, we appreciate the opportunity to appear before this committee and comment on S. 2721 which you sponsored, and on the 1980 census results. As you know, last year was my first year as Director of the Bureau and, although I was not a participant in the steps leading up to the 1980 census, I will do my best to reflect the Bureau as we address your concerns.

As I understand it, the purpose of S. 2721 is to permit States more flexibility in drawing precinct boundaries for which census data are provided. This is a valid objective and I intend to work with the subcommittee and others to determine what can be done for the 1990 and future censuses to improve the Public Law 94-171 program.

The 1980 census was the first to incorporate the Public Law 94-171 program. The Census Bureau met the very stringent deadlines and received, on balance, positive reactions from participating States. Despite this apparent success, we recognize that improvements may be needed that will enable more States to participate in the program and that will result in providing more accurate data within an acceptable timeframe.

Public Law 94-171 was enacted in December 1975 and included several requirements for the Bureau as well as for States which chose to participate in this voluntary program. First, the law directed the Secretary of Commerce through the Census Bureau, to issue a set of technical criteria by April 1, 1976, for participating States to follow in specifying the special geographic areas for which they wished to receive the population tabulations. Second, those States choosing to participate were to submit these geographic plans to the Bureau for consideration not later than April 1, 1977—1 year later. I should note at this point, Mr. Chairman, that New Mexico voluntarily opted not to participate in this program. Third, the Bureau was to transmit the total population tabulations to the Governor and the public bodies having initial responsibility for legislative districting in all States by April 1, 1981—1 year after the census date. All deadlines were successfully met by the Bureau.

Senator **SCHMITT**. Mr. Chapman, I would like to point out a philosophical problem, which is whether or not the Census Bureau should be directly or indirectly in the business of determining how a State sets its political boundaries? That's the basic issue, and I realize that New Mexico voluntarily declined to participate but even if they had and other States were fundamentally having to react to the Census Bureau in the setting of the political boundaries, and we can make an occasional decision, if that's what we are going to do, about the reapportionment procedures of the State.

Mr. **CHAPMAN**. The purpose of the law wasn't to preempt such a decision. States can still have whatever boundaries they want on any basis they want, but in terms of our providing——

Senator **SCHMITT**. What you are saying is they have to be visible?

Mr. **CHAPMAN**. No, they only have to be visible if the Census Bureau was to provide data based on those precincts or other boundaries by a particular deadline. That's the concern and, in fact, our State of Washington, as I will mention, although the legislature did pass a law to conform to 94-171 and provide visible boundaries which, in fact, was my recommendation, as secretary of state. The Governor vetoed it, so we went on back to the other processes and did redistrict well within the time that was required.

On March 31, 1976—prior to the first deadline—the Bureau of the Census issued the criteria that participating States would be required to follow in designing geographic plans for the tabulation of 1980 census population counts. Within 4 to 5 months, Bureau staff had met with legislative officials in all 50 States to discuss these criteria. The National Conference of State Legislatures [NCSL] also provided each State with model legislation which might be enacted to insure that the boundaries of election precincts—or similar areas—would follow the technical guidelines developed by the Bureau. A key item among these guidelines was the criterion that the specified areas have boundaries which coincide with ground features—such as streets, rivers, ridgelines, roads—that are easily recognizable to a census enumerator. This criterion was adopted to insure that the boundary line between two election districts is clearly identified. Otherwise, housing units close to the boundry line can be assigned to the wrong precinct and the population tabulated incorrectly for each precinct. Our requirement for boundaries that can be clearly seen by an enumerator is, thus, directly related to the need for precision and accuracy in the tabulations of data for redistricting purposes. As I mentioned, this program was voluntary and New Mexico chose not to participate.

Turning to S. 2721, we cannot at this time state an official administration position on the legislation. Our statement therefore is restricted to a discussion of the problems inherent in the tabulation of data for areas with nonvisible boundaries.

S. 2721, as we understand it, would permit States to draw precinct boundaries in any manner. Unfortunately, the Census Bureau does not now have in operation the automated geographic system and the technology needed to tabulate data this way. At present, boundaries must conform to visible physical boundaries or some other existing geographic unit such as a city block, a census tract, or a county.

Senator SCHMITT. Shouldn't you add—to accurately tabulate in the time and manner—to be consistent with your previous testimony?

Mr. CHAPMAN. That is right.

Senator SCHMITT. Because you are able to do it if you have enough time.

Mr. CHAPMAN. We are under a time deadline from the Congress set in law.

We have been examining methods which would enable us to move beyond our current limitations. We have discussed this with your staff and others and they have suggested that the planned Navstar global positioning system [GPS] might offer a possible technique for specifying election precincts in terms of the latitude and longitude of their boundaries. This technique or a similar technique coupled with the automated geographic system now being developed in the Bureau could remove the need for the visible boundary criterion.

However, we subsequently discussed the GPS with staff at the U.S. Department of Transportation which has responsibility for this terrestrial navigation system and found that only 6 of the 18 satellites necessary for the GPS system have been put in Earth orbit, and only 5 of these are functioning. The remaining satellites are expected to be in place by 1988, but the schedule may not be met in time for use in the 1990 census since extensive testing and evaluation would be required prior to adoption.

Senator SCHMITT. Mr. Chapman, we have just heard from previous testimony that there are six of those satellites in place and that even today for 4 hours a day, certain geographic information could be obtained to run appropriate tests necessary to evaluate the technique.

Mr. TURNER. The information which Mr. Airth presented does not completely agree with what we heard from the U.S. Department of Transportation, and second——

Senator SCHMITT. The DOT is always a little bit slow to join the 20th century. [Laughter.]

Mr. TURNER. We also talked to the Coast Guard, too, and they tend to agree with the facts of the DOT.

Senator SCHMITT. One of the things that we will dig into more deeply in Washington are the opinions of those agencies. Eighteen or twenty-one satellites in place before you can conduct tests are not correct. Within a reasonably short period of time such tests could be conducted to determine whether or not it can be integrated into your 1990 census for specialized purposes. Again, as I indicated earlier, I am not sure you want to do it nationwide where visible boundaries are clearly almost always there.

Mr. CHAPMAN. Prior to the introduction of S. 2721, the Bureau began discussions with the U.S. Department of Transportation about evaluating the possible use of the loran-C positioning system in the 1990 census. A formal study to evaluate cost, accuracy, and logistical feasibility of employing this land-based system will begin shortly.

In comparison to the GPS Navstar technology, one major advantage of the loran-C system is that receivers are relatively compact and commercially available. On the negative side, there are currently no loran-C transmitters covering the midportion of the United States, and the cost of the necessary stations might be extremely expensive.

With respect to the relative accuracy of these two systems, loran-C can compute the coordinates of a given point with a nominal relative and repeatable accuracy of 45 meters. In contrast, we understand the "P-code" GPS receivers could pinpoint a given housing unit within a deviation of only 10 meters. However, because of security restrictions, these P-code GPS receivers will not be used for civilian applications. The GPS standard positioning system receivers that will be availiable for civilian applications are reported to have an error rate of 500 meters. To differentiate the location of a given housing unit with respect to two adjacent precincts, we doubt that an error rate in the 45- to 500-meter range is acceptable.

Senator SCHMITT. But I also think for the purposes of a national census mandate by the Constitution, there might be some accommodation of those needs. This continues to be a subject for debate in the various committees I sit on, that is what technology is going to be available for civilian use.

Mr. CHAPMAN. Good point. Thank you.

If either the loran-C or GPS technology does prove feasible in terms of accuracy, cost, and logistics, the Census Bureau will still need the automated geographic system that could relate the coordinates of the geographic location of the housing unit to the coordinates of the boundary of the political unit.

The Bureau must also consider the possible public perception of the use of such systems in 1990. Although response to the census is mandatory, by law, we rely very heavily on public cooperation in filling out and returning the census forms. In this connection, we feel there is a potentially significant risk of adverse public reaction to the use of such devices. Respondents might perceive the presence in their neighborhoods or homes of Federal census takers entering information into portable "black boxes" as electronic snooping for input to some central data bank in Washington. In fact, we had a similar experience in a limited test of loran-C type equipment in the early 1970's. Such a perception—if widespread—could cause irreparable damage to the census and other surveys the Bureau conducts monthly.

Senator SCHMITT. Do you have any basis for expressing that concern about modern technology, Mr. Chapman?

Mr. CHAPMAN. As I mentioned, we had a similar experience and I would point out——

Senator SCHMITT. You have had a similar experience. But how many people addressed concern and was this concern due to the absence of any kind of informational program to let them know what was going on?

You have a massive educational campaign to handle the census today. If this campaign included a discussion and instructions of how you were going to use modern technology in order to improve the census information, I suspect that you would not have a significant adverse reaction to that.

Mr. CHAPMAN. Senator, I do not want to exaggerate that danger. I also do not want to minimize it. Taking a census is a very complex operation in that—well, the publicity gets out to about 96 percent of the people, but the understanding is not deep in a lot of people's minds so that some people would understand all of the technology, some of the people would understand that it's a perfectly innocent black box, nothing to fear there and other people would not understand it no matter how much you attempted to saturate the country. They may not have even heard about the census at all or only very little about the census, so there is that——

Senator SCHMITT. But you already ran into that problem?

Mr. CHAPMAN. We do not want to make it any worse. Second, we do have problems all the time with our surveys and other government activities that go into people's homes and ask them for private information. There is an aura. This is an atmosphere about high technology that does carry a certain portion of the population. As I said, I don't want to exaggerate it but I don't want to minimize it either.

Notwithstanding these concerns, we intend to study the possible use of such technologies as GPS and loran-C for the 1990 census and we will keep you apprised of our work.

As you know, the planning process for the 1990 census is in its early stages and we are already doing an exhaustive review of all facets of the decennial census, including enumeration techniques, data needs, evaluation of the 1980 experience, existing and projected new technology and so forth. We will be considering many possibilities for changing the methods we have used in the past, but we cannot decide to use new methods without being sure they will work. The consequences of failure are so severe that thorough testing and evaluation are required as new methodologies are incorporated. As this planning process moves forward, we will be trying to find better ways of providing data for redistricting purposes. Throughout that process, we will be consulting with your committee and your counterpart committee in the House of Representatives.

Senator SCHMITT. Just do not be reluctant to enter the 20th century.

Mr. CHAPMAN. We are not at all reluctant to enter the 20th century, Senator. But we want to be sure we do it in an efficient and effective way.

We were also asked, Mr. Chairman, to comment about the undercount that may have taken place in 1980. The Bureau of the Census has two primary sources for obtaining estimates of coverage in the 1980 census: demographic analysis and the post enumeration program [PEP]. The former involves developing estimates of the population in age, sex, and race categories on the basis of data drawn from sources essentially independent of the current census, such as birth, death, and legal immigration records, prior censuses, sample surveys, and administrative data. These independent estimates are then compared with the census count and the difference is assumed to represent an undercount estimate. Demographic analysis, however, cannot provide estimates for the Hispanic population since such records as birth and death certificates do not uniformly report on the basis of this characteristic.

The PEP uses two large household sample surveys conducted following the census to estimate omissions from the census and erroneous enumerations in the census. The first survey consists of the April and August 1980 samples of the current population survey. Every person in each sample is matched with 1980 census records to estimate the number of persons missed by the census. The second survey is a sample of households from the census which is reinterviewed to ascertain correctness of enumeration, whether persons were counted in the correct area, and an estimate of the number of persons enumerated more than once in the census. When the estimates of omissions from the first survey are combined with the estimates of overenumeration from the second survey, the results provide estimates of net underenumeration in the census.

Both methods provide national estimates of the population size and can be used to evaluate census coverage by age, sex, and race. In addition, the PEP will provide estimates of the coverage of the Hispanic population, and coverage estimates for regions. State estimates can also be computed from the PEP, but the necessarily smaller sample size yields estimates of lower quality.

Both techniques have some inherent difficulties. For example, the current estimates from demographic analysis are preliminary and interpretations are complicated by the probable inclusion of a substantial number of illegal aliens in the 1980 census. The lack of accurate estimates of the size of the illegal alien population has, to date, precluded the development of final estimates.

Some early results are:

The 1980 census count exceeded the demographic analysis estimate of the legally resident population by 850,000 persons or 0.4 percent. However, the inclusion of illegal aliens in the census counts cast doubt on any overcount estimate.

The national estimates for 1980 from demographic analysis show a significant reduction in the undercount among blacks from 7.6 percent in 1970 to 4.8 percent in 1980.

The earliest PEP and demographic analysis estimates for blacks are very similar. This category is assumed to be relatively unaffected by illegal aliens. When final PEP results are available, the similarity will be closely examined.

Research on both methodologies continues and revised estimates from both programs will be forthcoming later this year.

That concludes my testimony, Mr. Chairman. I will be happy to answer any questions you may have.

Senator SCHMITT. Do you really think you counted any significant number of illegal aliens?

Mr. CHAPMAN. Yes.

Senator SCHMITT. What makes you believe that?

Mr. CHAPMAN. Peter, do you want to answer that?

Mr. BOUNPANE. I can certainly try.

Senator SCHMITT. Did they say they were illegal aliens?

Mr. BOUNPANE. No. Of course, we cannot identify who was an illegal alien or who was not. I guess the main reason for believing we counted some illegal aliens would be our discussions with the leaders of the Hispanics who, looking at the total count of Hispanics, seem to imply that we did count some. As we mentioned, the public relations efforts were made to try and encourage people to participate, but we will never know.

Senator SCHMITT. I think it is safe to say there are not many illegal aliens who are going to let you count them.

Mr. TURNER. Senator, there was a major decision made in the last decade that the Bureau would include illegal aliens to the extent possible and various Hispanic organizations cooperated very closely with us and the Hispanic population. Assurances were publicized on radio and elsewhere in Hispanic areas to advise people that they would be counted regardless of whether they were a documented worker or illegal alien, and that that information would not be given to any other Government agency.

Senator SCHMITT. I think that is an unrealistic appraisal of the cultural situation of where illegal aliens live. To think there is any significant number who would allow themselves to be counted by a Government person, I think, is unrealistic.

Mr. CHAPMAN. We know that in many places there were questions asked of various organizations whether people should, in fact, volunteer to be counted, and in fact, they did volunteer to be counted after assurances that there would not be a problem. In one case in Texas when we were there the INS decided to have an enforcement sweep just about the time we were going to do the census, and we asked INS to call that off. They did call it off, and we know that that made a difference in that area.

I agree with you. We did not count all of the illegal aliens in this country by any means.

Mr. TURNER. And we do not know that percentage we did count.

Senator SCHMITT. We are going to be fairly loose in that we will ask for comments from the floor.

Mr. HARVEY. Senator, I am Joe Harvey, city manager, city of Hobbs.

They may very well be right on the illegal alien count in that after those assurances that were made to the public that this information would be held confidential, one of the largest illegal alien raids ever conducted in the State of New Mexico was conducted in southeastern New Mexico on census day, so there may very well have been a head count that day, as well as Arizona.

Senator SCHMITT. I understand. Mr. Chapman, it is my understanding the census enumeration districts used in the 1980 census were different from those used in the 1970 census, is that correct?

Mr. CHAPMAN. Yes.

Senator SCHMITT. Now, this was, of course, quite a problem even under the controlled agreement that you have with various States. Even if the county commissions throughout New Mexico were able to take time and trouble to change all precinct boundaries to match the existing enumeration districts, they would not have any guarantee that there would not be a change in those districts in 1990, so they would have to go through the process once again and on a statewide basis. Do you see any solution to that problem if we can continue along the track that we are going along?

Mr. BOUNPANE. If the precincts had visible boundaries and we could bring them into the precinct program, then if we recognized those boundaries in one census, there would not be a need for changes for the next census. We would still recognize precinct boundaries continuously for the State, so there would not be a need to redraw precincts every census.

Senator SCHMITT. If they are visible, have they conformed to the census ideas of visible boundaries?

Mr. BOUNPANE. Correct.

Senator SCHMITT. The Supreme Court has ruled in *Gaffrey* v. *Cummings,* 1974, that total population counts can be misleading because people who are ineligible to vote are included in the total count. When you conducted the 1980 census, did you in any manner whatsoever, anywhere in the Nation, attempt to confirm counts of people ineligible to vote?

Mr. TURNER. We singled out military establishments, institutions and what have you, and identified them separately in most all counts.

Senator SCHMITT. But your attempts to bring illegal aliens into the count meant that you were increasing the number of ineligible——

Mr. TURNER. Well, as we interpret the census law we attempted to include all of the resident population without regard to legal status.

Senator SCHMITT. But that is incorrect and conflicting with the need of State leaders to proportion on the basis of voter ineligibility.

Mr. TURNER. If I may, Senator, for approximately 8 years we have thoroughly discussed this process with the New Mexico officials and those in the National Conference of State Legislatures. Their concerns presumably were put to bed in the sense that they did testify to the passage of Public Law 94-719.

Senator SCHMITT. But they are concerned. We have a major problem within the census. The principal function of the census is to provide for reapportionment based on one man, one vote. If we at the same time are trying to count everyone including ineligibles, why then are we not conducting that one man, one vote principal?

Mr. CHAPMAN. May I comment? It seems to me that there is a problem of philosophy, apparently. Should you use "votes cast" as a basis for redistricting, as the courts rejected that approach.

Senator SCHMITT. Please. I'm not trying to get into the votes cast issue, and I am assuming that everyone voted then. Votes cast would be presumably valid. If every eligible person voted, there would be more.

Mr. CHAPMAN. I would disagree with that, Senator, because the number of children who would not be eligible would vary from place to place, and even though they were children, they have a right to be represented in the legislative body even if they are not old enough to vote.

Senator SCHMITT. Is that a Supreme Court decision?

Mr. CHAPMAN. Oh, absolutely. You do not just represent eligible voters, you represent people and in the past, that has meant all residents. However, there was a decision made that we would attempt to count illegal aliens and, in other words, we would count all residents. By the same token, we do not count American citizens living abroad for apportionment. I have problems with that, too, and I understand what you are saying.

Senator SCHMITT. Do you count military residents?

Mr. CHAPMAN. Yes.

Senator SCHMITT. And assign them to their place of residence?

Mr. CHAPMAN. No.

Senator SCHMITT. Home residence?

Mr. BOUNPANE. Military service people are counted as a unit even if they are 50 miles out of a port city, and not necessarily their home port.

Senator SCHMITT. Now, wait a minute. The military residents at Kirtland Air Force Base are counted as being residents of this area?

Mr. CHAPMAN. Yes. Even if they vote in another place just as a resident of Paris who does not—who is voting in New Mexico happens to be living in Paris at the moment is not counted in New Mexico or anywhere except in France.

Senator SCHMITT. Are you telling me that you think the current legal situation is that you have no choice but not to try to identify ineligibles?

Mr. CHAPMAN. That is correct. An assumption is going to be on the basis of everyone living in the State rather than on the basis of those citizens that deserve representation

Mr. TURNER. If I may interrupt, the Federation for American Immigration Reform, which is a conglomerate of several other organizations formed in late 1979 or early 1980, in fact, took the United States all the way to the Supreme Court over this issue. The Court decided based on the evidence that we should, in fact, try to count all residents. FAIR argued to the contrary that we should not count those who are here illegally.

Senator SCHMITT. You could be directed to do that by legislation, is that correct? There is no evidence that the Court would rule that this was a constitutional right.

Mr. TURNER. Arguments have been offered on this point. When we were involved with this FAIR case, the constitutionality aspect did come up. I don't have the file with me, but I would be happy to provide the information.

Senator SCHMITT. Would you do that please?

Mr. TURNER. Yes; I certainly shall.

Senator SCHMITT. In a letter dated October 13, 1976, to the New Mexico Legislative Council Service, signed by David Chapman, we were informed that because precinct boundaries did not follow visible boundaries "the Bureau would not be able to provide population counts for them; that is, precincts."

Do you agree that the visible boundary requirements fall harder on New Mexico and perhaps a few other States than a State in a higher population area of the country?

Mr. CHAPMAN. I am sorry, Senator. I can't agree with that and I think there are many other States such as, say, Kansas or some of the other Midwestern States, where they have very visible boundaries. It's very individualized. My own State of Washington is very similar with the vast farm areas and mountains and deserts and all of that, and we went through the same thing and the Governor vetoed the bill that we had proposed to conform with the visible boundary criterion. For many of the same reasons, apparently, it was turned down here. People did not want to change the traditional precinct lines, and as a consequence of that, we went ahead and redistricted using counts for standard census areas. I thought the Governor's decision was wrong, but nonetheless, we went ahead and redistricted using the census data and did not have any problem with it.

I think it would be preferable from a timeliness standpoint and from a flexibility standpoint to have done it the other way, but it was perfectly serviceable to do it the way we did. That option was available to any State, including New Mexico, but I must say, I don't think that New Mexico is uniquely contoured physically so that the visible boundary approach wouldn't work here.

Senator SCHMITT. Has there been significant disagreement over what constitutes a visible boundary?

Mr. TURNER. In the early stages of our discussions with the NCSL, we established a dialog whereby we start getting input from each of the individual States via the National Conference of State Legislatures. NCSL conducted a mail survey of all States in terms of their experience with the 1970 census. We used those results as a basis to set up those guidelines and actually we began trying to meet with some States even before the law was passed. We handled the issue of what constitutes a visiable boundary during our yearlong dialog—1976-77—with the States and made adjustments and allowances, where possible, to accommodate individual situations. We never had that opportunity in this State, unfortunately, because the State chose not to take part after the sample plan of precincts was returned to the State in 1977.

Senator SCHMITT. But since the courts rejected the reapportionment, you have been able to cooperate with the State and will, at their expense, to provide census data even where there is no visible boundaries for the political districts?

Mr. CHAPMAN. Senator, if we had to do that for the whole country, there is no way we could meet our deadline which was imposed by the Congress; and second, there is the question of the accuracy of the data. We would rather people went with the most accurate data.

Senator SCHMITT. But do you feel you are also limited by the quality of the enumerators?

Mr. CHAPMAN. In some cases, obviously. Some enumerators are obviously better than others.

Senator SCHMITT. In this last census we had in New Mexico, at least a great deal of difficulty came from enumerators. I understand that was repeated nationwide. Was it basically because they were political appointees?

Mr. BOUNPANE. Not the enumerators.

Senator SCHMITT. Explain to me then.

Mr. CHAPMAN. Let me just rephrase this. The census is one of the functions of the Government set out in the Constitution going back to 1970, and for almost the entire history of the census, it has had a political aspect to it. Now much of that was taken out by President Theodore Roosevelt at the turn of the century at the time that the Census Bureau was developed, but it still provides an easy way to get personnel—particularly Federal managment positions that were tomporary—did not have to go through all of the civil service procedures and all of that.

The census is a human undertaking, and it is going to be imperfect. Being a short-term operation with an enormous amount of concentrated activity at one particualr time you are going to have problems, but I believe those problems have become fewer over the past several years.

Mr. BOUNPANE. As Mr. Chapman pointed out, it is difficult to find enough people to hire as temporary staff for the census, so one of the things we have done in the past is to ask people within the political system—called political referrals—to propose people who would like to work on the census. We did that in the last census. Predominately, those kinds of recommendations were used for higher level jobs within the district offices. Names were also put on a list of clerical people or enumerators, but my understanding is that in most instances those "politically referred " were hired for jobs at a higher level than enumerators.

Mr. ELLWANGER. That would be confirmed in the Denver region which covered New Mexico. Of course during the census, the majority of the employees came to the employment services through contracts with churches and so forth throughout the communities, and we had, as you had stated, a difficult time finding people—enough people to take the census. That was the problem in New Mexico, and it was a problem in other parts of the country as well.

It was very pronounced particularly in nothern New Mexico but it was more pronounced in our region, at least, than in any other State.

Senator SCHMITT. We may have some more questions for the record on this.

Do you have any suggestions on how we can improve this situation?

Mr. CHAPMAN. Yes. As a matter of fact, we are looking at several things. One is the whole question of to what extent we use estimation procedures for the count itself. We don't know if estimates would be politically acceptable to Congress or to other users of census data. In a time when households increased, yet population went down, local officials found it hard to accept the census figures. Yet it did, in fact, happen. We do not know whether local officials would accept estimates in place of an actual count, but it would be one way of getting around the undercount problem.

That's one thing we are looking at. Another thing we are looking at is how to get more accurate lists and how to handle them more efficiently.

A third thing we are looking at, perhaps more important actually than anything I have talked about, is automating our geographic work. You talked about our coming into the 20th century. We are back in the 19th century in some respects in terms of geography. We need to computerize, and we are going to approach Congress for the necessary funds. Our mapping processes were slow in 1980 and it did slow down the entire process.

Senator SCHMITT. I think one of the things the committee is going to have to look at is how broadly existing data and up-to-date data within the private sector can be used in order to provide a stronger base for the census count, and then on a statistical basis flush that out relative to the age or other demographics of the population.

You are right. I'm not even sure it's the 19th century in terms of trying to count the population of 230 million people. The Founding Fathers, I'm sure, did not realize that they would be dealing with that kind—those kinds of numbers and the phone hookups, gas hookups, all those things in the private sector for their own economic purposes must keep up to date. It seems to me a far broader data base upon which to build an active census than what we have been trying to do. We could build on it, we could use it and we can get information but it is no substitute. I am not saying that it is a complete substitute, but you are missing the boat if you do not use it.

Mr. CHAPMAN. I agree with that, I want to tell you.

Senator SCHMITT. Mr. Paul, did you wish to make a comment?

Mr. PAUL. Mr. Senator, yes, I do. My name is Frank E. Paul, vice chairman for the Navajo Tribal Council, Windowrock, Ariz. I would like to ask Mr. Chapman a question, if I may.

In the State of New Mexico there are a lot of Indian tribes. As a matter of fact, I believe there are over 20 altogether; about 24 or 25 tribes, and among which one is the Navajo Tribe, the largest Indian tribe in the United States and approximately 35,000 members reside in the State of New Mexico. This is counting only the eastern area referred to as Eastern Navajo Agency. It does not include part of the northwest part of the State which is San Juan County, and in census count the Navajo Tribe was at the divide in that the results show that the census count did not include the members residing in the State of New Mexico, only into that one Navajo tribal count.

I might add to say that the Navajo Tribe is one single government and irrespective of the State lines or the county lines. There are 3 States and 10 counties. The reason for this is that the Indian tribes—the Navajo Tribe like other tribes have direct relationship with the U.S. Government by a treaty, and therefore, has certain benefits such as revenue sharing which is based on the population count of that particular member in this case, and it does effect the funding the tribe receives because the membership is divided and the 1980 census count of about 35,000 members were not included apparently because they were considered not living on the reservation for one thing, although these Navajos live on the checkerboard area which is within the Federal definition of Indian country, and I would like to ask Mr. Chapman if he is going to treat this with the reconsideration at this time.

Senator SCHMITT. We will get into that in some detail later, but would you respond briefly?

Mr. CHAPMAN. They were counted. They were not counted in "on reservations." Mr. Bounpane, would you want to address this?

Mr. BOUNPANE. If I understand correctly, Mr. Paul, those people who were on the adjacent lands we do count, and we count them as Indians. They were not tabulated on the reservation because they were not living within the boundaries of the reservation as we understood those to be, but in terms of what we transmit to ORS for revenue-sharing purposes, we do transmit counts of Indians who live on adjacent lands, as well as those living on reservations.

Senator SCHMITT. And were they identified as to tribe?

Mr. CHAPMAN. They are identified, yes.

Mr. PAUL. By specific tribe or just Indian tribe?

Mr. BOUNPANE. I will verify that for the record.

Senator SCHMITT. Now, finally, Mr. Chapman, we may have questions for the record, but how many communities responded to your requests or local review of census count? Do you know the figures for New Mexico?

Mr. CHAPMAN. We will provide those for the record.

[The information submitted by the Bureau follows:]

	Received local review maps and counts	Reported problem	Problem resolved
District office 3105 (Albuquerque):			
Jurisdictions	13	12	6
Indian reservations	11	2	2
District office 3183 (Las Vegas):			
Jurisdictions	64	34	31
Indian reservations	6	2	2
District office 3184 (Las Cruces):			
Jurisdictions	49	30	28
Indian reservations	2	1	1
Split between district offices:			
Jurisdictions	1	1	1
Indian reservations	7	0	0

Senator SCHMITT. Now, does each one of those represent some secured count of population or something else?

Mr. CHAPMAN. No, not by any means.

Senator SCHMITT. What proportions of those were population count?

Mr. BOUNPANE. I'm not sure I can answer that. In every one of those instances the city did feel that there was some problem with the census count, because they did file a form with us indicating that they had some disagreement with what we said the count was.

In such instances we investigated each one of those and did additional fieldwork as necessary to resolve the differences.

Senator SCHMITT. Were there criteria on what you would accept as evidence for——

Mr. BOUNPANE. Yes. We did publish criteria that we would accept as evidence.

Mr. TURNER. We did send that to the area telling them how to go about the process and what local administrative records data might be used to check the census. We recommended use of utility hookups and whatever. We can provide copies of the booklet to you.

Senator SCHMITT. Do you think this program is cost effective?

Mr. CHAPMAN. I think it's an exercise in democracy which is valuable in its own right apart from costs because after the 1970 census and earlier censuses, there were complaints from local governments and others, and there was no way to handle those. On the other hand, we simply could not go out keyed to the views of local governments who said that people had been missed because that wouldn't be fair to others.

If we had done it over, we would have an enormous population count in this country far in excess. We have maybe 500 million people in this country if we let the mayor of New York and the mayor of Chicago tell us how many people they had in their community, so I think it's costly. It takes up a lot of time, but I think it is worth doing because it does give a fair airing to complaints and to opinions.

Senator SCHMITT. Do you think if we broadly integrated between now and 1990 the capability to use up-to-date commercial data, that those challenges would be worked out more efficiently and quickly?

Mr. CHAPMAN. I don't know. I would like to tell you yes, but I want to say that I think, again, as someone who is not a party to the census of 1980 but was a very interested observer from the State level, what happened in 1980 that was different from the past was that revenue sharing and so many other government programs hinged on those counts and the populous developed from them, and people became so much more sophisticated in political circumstances, also about redistricting, how to go about it that the scrutiny under which the census of 1980 was put was greater than any that had existed in the past. And that necessarily raises a political question on that and political processes do not operate on principles of efficiency. It operates on principles of fairness and sometimes it takes a long time to work those out in practice, so I think that you are looking at an activity of government. The census which inherently is going to have complications in it as long as the consequences are so great for the political processes and also for the financial well-being of communities and States.

I want to say, Senator, that I think you have made some very instructive suggestions and helpful suggestions to us and that we will cooperate fully with you and particularly on the technological area but also in any others to see that we have the best possible census in 1990. I think there is room for improvement and at least under my administration—I assume under any successors—we are going to follow up on those.

Senator SCHMITT. We expect you to go around in 1990 to take advantage of all the lessons you learned. We would hope that this committee working with you within the next year will cite the steps legislatively and administratively that should be taken in order to insure that we are laying the ground work for 1990. The mere fact that, as I understand it, there has to be procurement equipment by 1984 for the computer system available in 1990 scares the pants off of me with respect to getting a good census. To have to procure computer technology by 1984 in this day and age is ridiculous. We ought to be able to work with the Office of Management and Budget and your procurement people at least 2 or 3 additional years so as to approach the state of the art when the 1990 census comes along. On the other hand, if we are going to use new data basis for the preparation of the census, then we want to make sure that your computer system is flexible, can be added to or modified in a responsive and timely way; so that as you approach 1990 you can move into that census year with everything tested out and everything ready to go to meet the timely factor demanded by the Congress.

Thank you, Mr. Chapman. I understand you can stay with us in case there are any other questions.

Mr. CHAPMAN. I won't be able to stay through the whole morning, but Mr. Turner will be able to. I will stay for the next panel, anyway.

Senator SCHMITT. Our panel now will be Mr. Larry Adcock, president, Adcock & Associates, Dona Ana County clerk and former State senator; Dr. James Williams, professor, New Mexico State University; and Mr. Clay Buchanan, director of New Mexico Legislative Council Service.

Gentleman if you would come forward, please. Mr. Adcock, would you begin?

TESTIMONY OF LARRY ADCOCK, PRESIDENT, ADCOCK AND ASSOCIATES; JAMES WILLIAMS, PROFESSOR, NEW MEXICO STATE UNIVERSITY; AND CLAY BUCHANAN, DIRECTOR, NEW MEXICO LEGISLATIVE COUNCIL SERVICE

Mr. ADCOCK. Senator, I am delighted that you are having these hearings. I think they are something that is needed, and I am very honored to be here to testify before you.

Let me give you some of my background before I get started. I was with the Bureau of Business and Economic Research at the University of New Mexico in various capacities. In 1976 I was associate director, basically running that research organization. In 1969 I was assigned as head of a summary tape processing center to deal with the Bureau of the Census. I held that position in 1969, 1970 through part of 1972 and then again in 1973 through 1976. I was also the contact person for census estimates, dealing with the Bureau of the Census on a fairly frequent weekly basis. Thus, what I've got to say comes from 13 years of experience in dealing with the Bureau of the Census and working with demographics in the State of New Mexico. More recently, I was an expert witness for the State in their defense of reapportionment plans of the first special session in early 1982 and the later session in 1982—June session. Also along with Dr. Williams and the Bureau of the Census, we were active in apportioning the population to the political districts and precincts in the State.

Your bill, S. 2721, I fully support. I think it is something that has been needed for a long time and I think that it would help solve a lot of the problems that we have had in working with census data since at least the 1970 census. That is how far my experience goes back. The information that we get from the Bureau of the Census is that of the smallest geographic detail and is either the block or enumeration district dates. Fitting that into precincts, particularly the rural areas is difficult.

I have brought with me today a map of the Valencia and Socorro Counties. I have platted precincts by the 1981 legislature, and I would like to show you this so that you may have a visual idea of the problems that we are facing.[1] As you can see, the original lines are overlayed on the census map. The original lines are precinct lines. They are, in the case of enumeration district lines, following no physical boundary. The enumerator districts are varied in terms of size. On areas which are basically Indian lands, they are very small. Some of them have zero population, others up to many thousands or so. I would point out to you that in many cases the enumeration districts do not follow the physical boundaries and this is not unusual.

In another case over here, we followed the map out, we can see still another case. The reason they don't follow physical boundaries is in many cases the Indian lands that they cover have boundaries that are not physical but legal descriptions following maybe section lines or some other line but certainly not anything that is physically identifiable. So, to say that enumeration districts have to follow physical boundaries in not quite true. There are many areas in which enumeration districts do not follow physical boundaries. Also you can see from that map that the enumeration district sizes are such that in many cases it takes several enumeration districts to make up a precinct.

There are, in my opinion, two ways to solve the problem of getting appropriate census information at the precinct level. The first is the very obvious solution requiring the Bureau of the Census to conduct censuses along precinct boundary lines. Let me first discuss that before going to the second one. My personal opinion is that the first procedure, converting slowly to precinct boundaries, is one that is very difficult. First of all, the precinct boundaries are maintained at the county level and are basically the responsibility of the county clerk. The State, therefore, would have to work directly with the county clerks possibly making changes in those boundaries which I do not think is, at this point in time, politically feasible to do to get the Bureau of the Census to use these precincts. The Bureau of the Census, on the other hand, would be saddled with the problem of the various size precincts and would have to, in some cases, divide those precincts in order to get one enumerator to cover those areas.

We have in this State some precincts with up to 9,000 people in them. For example, Holloman Air Force Base in Otero County has about 9,200 people in it. It has less than 600 votes. Now, many precincts are established along the lines of the number of voters. If you have more than 800 voters voting in a general election, then the county clerk is required to split that precinct. That criteria establishing enumeration districts is not necessarily compatible.

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[1] The map referred to has been retained in the committee files.

We have an alternative and the alternative we know is feasible because the Bureau of the Census has already done that. They have taken their boundary lines and converted census data to precincts. They did this for seven counties in New Mexico. Two counties were done in response to the Justice Department request concerning our first law suit on the reporting that involved the formula, the votes cast formula. They did an additional five counties later at the request of the Legislative Council Service. So, we know it is possible. The problem with that process is one that both the Bureau of the Census faces and the State faces. Dr. Williams and myself also faced that problem.

The precinct descriptions maintained at the county level are in varying forms or varying degrees of accuracy, I am sorry. I did not quite put that right, but we have problems with legal descriptions and the maps. They do not agree. In some cases the legal descriptions are not quite complete. We can, however, in this State, I think, put our material together and work with the counties to establish good legal descriptions, good maps, and make those maps consistent from one country to the next—that is, essentially the same scale and quality, and bring the legal descriptions up so that the Bureau of the Census can remap to their areas.

Senator SCHMITT. Isn't there a good argument to do this independent of whether we are successful legislatively or not? Is that correct that they would take State action in order to excercise somewhat more control over the county clerks' operations in defining precincts?

Mr. ADCOCK. It could take that route, yes, prior to the quality being improved or it could take an administrative position out of the secretary of state's office to send people out to help them.

Senator SCHMITT. So the State has inspection options?

Mr. ADCOCK. The State has some options. It's my opionion that the county clerks do not do this on purpose, and that they would like to have their material improved and they need help. As you know, in many cases the county clerks do not do this on purpose, and that they would like to have their material improved and they need help. As you know, in many cases the county clerks are only there for 4 years and then they are gone. They inherit a situation which they are not necessarily familiar with. I think the State administrators may need legislation passed and that is basically our area. I don't know whether the State legislature would do that. I have a feeling, though, after this large expenditure and many problems, that they would be able to pass new legislation.

Senator SCHMITT. Let me ask the census representatives a question hypothetically. If the legislation or something like that introduced were to become law, would you then feel that you need to freeze precincts, the political boundaries, at sometime prior to the census? If so, would you have to have it frozen for 2 years or 1 year or would the State have to be willing to direct the freezing of those boundaries?

Mr. CHAPMAN. Yes. We would note that that would be the case. That's how it is done.

Senator SCHMITT. When do you freeze your enumerator districts now?

Mr. TURNER. Well, the precincts in April 1977, 3 years prior to the census date.

Senator SCHMITT. Is that an absolute minimum or would it be 2 years?

Mr. TURNER. No. We considered two. We pointed out to the Congress that that was not acceptable in terms of lead time.

Mr. ADCOCK. Senator, let me say one thing about that. While you could freeze the boundaries on a preliminary basis in 1977 if you had authority, a precinct could still be split. In other words, the original boundaries of a precinct should be maintained for two precincts and simply divided in two and not reestablish the boundaries on several precincts, which means that any changes received after the general election of 1988 would be basically simple changes.

Senator SCHMITT. So you are saying that boundaries be frozen except for a power split?

Mr. ADCOCK. That is correct, sir. That is in line with what the county clerks are supposed to do in this State already.

Senator SCHMITT. Go ahead.

Mr. ADCOCK. Sir, I am about finished. I would like to say, again, that I fully support your bill.

Senator SCHMITT. We will have some questions here in a moment, but let's go ahead with Dr. Williams.

Mr. WILLIAMS. Thank you, Senator. I have just a few comments. Mr. Adcock has covered some of my comments actually in addressing the problems with the precinct boundaries, and I will get to a couple of other reflections on those.

As a professional demographer, I tend to try to stay away from some of the political issues that seem to have gotten involved.

Senator SCHMITT. Do you work in the State of New Mexico?

Mr. WILLIAMS. Yes. Trying to, as it has been very difficult now as a demographer. You can look at a problem like that as a geography problem, you can look at it merely from the technical side or you can very quickly find yourself involved in a political issue in respect to those precinct geography versus census geography. I think there is a little bit on both sides, and I think in terms of some people seeing this as a political issue and some people seeing it not so clearly, seeing the political side of it. I would like to emphasize it from the technical point of view. I would have no problems with S. 2721, and it is probably politically the better route to go not to change those precinct boundaries, but, on the other hand, I don't think those precinct boundaries should be viewed as sacred and I am beginning to think that others do.

Over the past months, I have heard from numbers of sources a certain philosophy that those precinct boundaries must be maintained at all costs. With respect to S. 2721, I think that we should understand that probably it is not necessary to establish that legislation and continue through with the procedures in block areas in New Mexico. For instance, I don't see any need for a global positioning system for enumerators who are working in city areas and who are following street boundaries, and I would recommend that prior to the next round of having to do this that those few instances where city blocks are bisected by precinct boundaries from my work, I don't see such justification for that. I think the precinct boundaries in city areas should be changed. They would be very small, minor adjustments of as near as I can tell little technical importance. Though what the political reasons for some of the block splitting in city areas is, I have no idea.

Senator SCHMITT. Somebody might not live in the district they want to represent.

Mr. WILLIAMS. That is entirely possible. At any rate, I think from the technical point of view that should be layed out and then in the global positioning or some other technical approach to losing those nonvisible boundaries. Then with the process of arguing back and forth about precinct boundaries and visible versus nonvisible, I often wonder what the county clerk does when somebody calls up and says I moved out in the middle of nowhere someplace and have to find out what precinct they are in. Does the county clerk, at that point, go through a legal deed or the legal record of where this residence is to accurately place that person in the precinct or alternatively, I imagine, the county clerk at that point says, "Well, it looks like it's out there somewhere. We will put you in precinct 21." I suspect the later is more likely which leads me back to all of this arguing about the sacredness of the precincts and wondering just how sacred they are when you go in to register to vote.

With respect to the maps Mr. Adcock has suggested, there are tremendous problems. I think the State is going to have to provide the counties with assistance. I know Larry and I have had numerous conversations over the past months in the process of doing work delayed relating to all of this where we have exchanged numerous experiences in dealing with county clerks. County clerks who suggest, for instance, in one case that I recall, trying to find out exactly which street in town because the map wasn't particularly clear and I called the county clerks office and was told that, well, "the boundary for that precinct is between the Piggly Wiggly and the Court House." Well, I don't know. I'm in Las Cruces. I don't know where the Piggly Wiggly is. "Well, I can't read those maps." I don't know either and I just wonder how can those precinct boundaries be so sacred if we have got people who may or may not even be able to read maps or read the legal descriptions, many of them at the level at which the State is arguing they are supposed to be usable at, so my recommendations are, in essence, three.

One of them is to reestablish the boundaries in the city areas. In the rural areas, do whatever the State wants, in essence, and in some way solve the technical problems of getting those population figures, but I think, first, there is going to have to be a review of the legal descriptions, a review of the maps which are outdated in a lot of instances, and I think the State, because it has the capacity to do it, should take responsibility for preparing a full set of precinct maps and legal boundaries. They are the only place that I can see that has the competence to be able to do this at this time.

Second, the second area that I want to mention just for a moment or two——

Senator SCHMITT. Do you mean competence or resources?

Mr. **Williams**. I guess competence. I believe it's the highway department's geography division that has the technical capacity to be able to prepare a set of maps and maps that we have worked with out of their office—out of the highway department called highway quadrangle maps, those are very good maps, generally speaking. The housing units symbols are a bit out of date, but I think the State does have the geographic capability to do this.

Senator **Schmitt**. Would it be appropriate to go to the photographic base which is much more rapidly updated?

Mr. **Williams**. Yes, I have seen some good experiences and I have seen some bad experiences with the photographic base. In fact, some of my people in the process of doing some data conversion investigated some aerial photographs that were available in EEPLM areas and forest service areas. The problem was we were unable to spot housing units on those. At least from that technical aspect of it, the housing units were not clearly delineated and the aerial photographs were of varying quality, but with respect to physical features that are on the quadrangle maps, I think the roads and streets and so forth are accurate at this time. As near as I can tell, the housing was not necessarily accurate.

Senator **Schmitt**. They are not necessarily actual quadrangle maps either. Being an old geologist, I can tell you because it's entirely dependant on when the last cultural data was put on that map.

Mr. **Williams**. Certainly, and that is not routinely updated.

Senator **Schmitt**. So I speculate about it. It might be photographs were readable versus the cultural data that was up to date on a map. Please go ahead.

Mr. **Williams**. Well, my final area of comment is that the census may be a scapegoat at this point in all of this process. I would, for the record, point out that you made a comment about the $1 million cost of litigating which this bill might have avoided. I don't think it would have been avoided. This State was notified prior to its first reapportionment session. It was offered the conversion of census data to precincts data. It was offered that by several people and discussed with certain State officials, however, and I don't know who makes those decisions but someone didn't want the census data by political area for whatever reason. I do not know the cost of that data conversion.

Senator **Schmitt**. Were those offers formal offers?

Mr. **Williams**. Yes, and they are in the record of the first trial, the first hearing, so somebody didn't really want census data, is the only thing I can conclude, or was afraid it might cost a lot of money. With respect to a lot of money, doing this conversion in a very short period of time that the State has had to have it done, I don't think it's been done in the cheapest way that it could possibly have been done given that it had to be done in a matter of weeks after the court records, and I would point out not doing it the cheapest way that it could have been done has only cost the State about $120,000 for the technical aspect of the data conversion.

So I think the problem here is not so much a problem of converting the data. That certainly will be a problem in 1990 and needs to be addressed now, and I am happy that there is concern over that, but as far as what is happening in New Mexico in the last year with respect to reapportionment, this technical problem of converting the data, I think, has been a very minor problem in the whole process.

Senator **SCHMITT**. I think it is fair to say that the major chunk of that million cost would bring the legislative session to reapportionment.

Mr. **WILLIAMS**. And costs associated with litigation, but the data conversion was offered to the State. It was offered to the State at a cost less than the $120,000 it turned out to cost but not a tremendous amount less. The State would have had data for the first special session and it elected not to have them, and I would hate to see the Census Bureau in some sense be blamed for that problem because it is not to blame for that problem. That's the essence of my comments.

Senator **SCHMITT**. Thank you, Doctor. Mr. Buchanan, nice to have you with us.

Mr. **BUCHANAN**. I have been personally involved with each reapportionment since the *Baker* v. *Carr* decision in 1962, not only on a legal aspect but technically to try to use the information. It was in 1960 that the census dropped precinct data. At that point, I can understand that they had a great deal more of a problem with our precinct lines than they have had recently when they attempted to use them in a practical aspect. We do freeze precinct boundaries prior to the census. We do not allow changes in precinct boundaries to effect the census count as far as that is concerned. In other words, there were some 40 precincts which were for administrative purposes had another voting machine at it, but the boundaries themselves did not change. We handled those precincts and reapportionments by having affairs of precincts or several precincts that have to go in one legislative district, so this is not really a problem. We have agreed to that with the Census Bureau if they would use the data.

The other objection I have to the testimony I have heard so far is that the Census Bureau is making an assumption about what the state of the law is. As far as my research is concerned the Supreme Court of the United States has never said you have to use a headcount to district. What has happened is the Census Bureau does not provide the eligible voter information and so the States are forced into headcounts just as New Mexico was recently. There were three States: Arizona, New Mexico, and Hawaii that attempted to follow the Supreme Court's decision; that is, that one mans vote be equal to another mans vote. Not that you create districts according to warm bodies.

The congressional districting is another matter that is required. It comes in a different part of the Constitution. It requires populations, whether they are aliens or residents or eligible voters or not. There are some States that have such a tremendous population that there is an implicit formula that works; that is, for every thousand people you would have x number of people who were eligible to vote, x number who were convicted felons and so forth.

In New Mexico because we have a wealth of cultural diversity, that unless Congress changes the law, will continue. You have a great number of Indian reservations, you have a great number of enclaves of Indian land that will not change. There is no way you can move onto an Indian reservation without the approval of the tribe. The Indians can move off of a reservation and maintain their reservation or tribal identity.

The difficulty with the census is that they have a tendency to say that all Indians look alike. Well, New Mexico with its long, long history of Spanish-Mexican and American occupation, with a great number of very diverse Indian groups have several language differences, animosities and coalitions among Indian groups. When you do this, you lead to the result that we had in the last court case where all "minorities look alike." The plaintiffs attempted to add blacks, Hispanics and Indians, even though they do not fit as a group, together to prove a minority point.

All I am saying is that I don't know that the legislature would use this information, but as long as the information is not available, as long as we do not identify potential voters, they will be forced into a headcount situation and that's where we are right now. The case is on appeal to the Supreme Court to see if you have to use a body count or headcount. I am still of the opinion that to come within the equal protection clause of the 14th amendment, you cannot compare the nonexistent vote of an alien with the weight of a New Mexico resident who has the possibility of voting. The Census Bureau does identify institutionalized Veterans. I mean, servicemen and bases. However, they are not prohibited should they choose to become electors. It's in a different matter entirely.

Senator SCHMITT. You are saying that a serviceman is a potential voter if he or she decides they want to register?

Mr. BUCHANAN. If they give up their registration in another State, they can register in New Mexico.

Senator SCHMITT. You think that a typically, truly eligible voter is one who does not have citizenship or has lost citizenship?

Mr. BUCHANAN. I would assume that we try to subtract all of the servicemen that live in barracks in the State of New Mexico under any attempt to find eligibility for voting as the basis on which you draw district lines for legislative purposes, and I might add that because New Mexico is a very sparsely populated State, we are talking in terms of 18,000 people. When you have errors in the census of 1,100 or 1,200 people, those are frequently ignored with a wave of the hand as coding errors. There is a portion of the Laguna Indian Reservation, for example, that aerial photos show does not have one habitation in it. In 1970, census reported 1,200 people. In 1980, we had about 1,500 people in the Johnson Gymnasium in the university.

Senator SCHMITT. Was this during a particular gymnastic event?

Mr. BUCHANAN. No.

Senator SCHMITT. You mean in the census we had——

Mr. BUCHANAN. In the census we had 1,500 people in Johnson Gymnasium or a classroom surrounding it. This sort of error would be relatively unimportant in California. Their State senatorial is larger than their U.S. senatorial districts. In New Mexico, that is almost 10 percent. If the courts are requiring us to have 5 percent, this is a bad thing. The conversion data that was available to the State to use that Dr. Williams referred to—there was a certain reluctance to use it and part of it was the Council of Government data. I think the census data was 3,600 people different, an error in excess of 10 percent for an entire legislative district. In other words, the COG figure—and I don't have that precinct with me, but I can furnish it—the census data and the COG data for one precinct differed by 3,600 people. It is obvious to us there is not a correlating error on adjacent precincts. It had nothing to do with the combination of precincts or anything else. It was that the legislature is asked to use estimated transfer figures, the question is what do you use. When we got this official census estimate for the county of Bernalillo, we had one-third of the precincts that had identical information, two-thirds different. It was not just one or two persons different. The largest that I found was 3,600 but there are a number of them where it's a 1,000, 500, 400, 300. For a large State, this would not be a problem. For a small State, I cannot go to the legislature with estimates that vary that much and say that we had four sets of figures from COG from April to November and they changed every time. We had a demographer look at it. The changes were not politically neutral; that is, Republicans lost and Democrats gained.

The point is that when you get into estimating, you have to have a great deal of faith that the people doing it either have no axes to grind or they are terrible good, and I am not saying that COG made those errors intentionally. What I am saying is the census is changing it's figures, all of this time. All I know is that there are four sets of figures and they are not about to accept that.

Senator SCHMITT. Mr. Turner, would you care to comment on this particular issue?

Mr. TURNER. Yes, sir. We were not involved in the arrangement the State made to have a local organization prepare precinct count estimates. The Bureau did, however, perform "separations" for selected enumeration districts to produce population estimates for some precincts.

Senator SCHMITT. But you are involved in the problems of significant errors within the so-called coding error.

Mr. TURNER. We called those changes to the State's attention in the fall of 1981.

Mr. BUCHANAN. It's true that the Bureau does constantly update their information. What happened to me is that we had spent 3 months getting ready for the reapportionment session, and the Census Bureau in November before the session in January changed the State total by 4,000 and nine county totals which even if you are using the formulaic approach, means that we had to redo all of this work.

The last comment I made on my prepared testimony was that as long as the census isn't reasonably sure that at least the county totals are correct, I understand there is a great deal of pressure to go to print and publish it and so forth, but one can understand how the State would get sort of upset about this if you are trying to prepare for an apportionment session and the Census Bureau constantly changes. As a matter of fact, we suppressed some changes. The legislature's final act was not based on the latest census data because the census data had again been changed before we got there. The idea that this is somehow for a political purpose is not one the State brought on itself. The Court did that.

Personally, I find nothing wrong with a political system. I think that—and the whole tenure of my testimony would be that the Census Bureau did not after 1962 do anything until—and it was our State that started the agitation that got to the program for the conversion of the data—did not do anything about identifying potential voters. As fas as I was concerned between 1962 and 1970, they did nothing that would have gone back to the 1950 census provision of giving illegal aliens—giving precinct populations the question of aliens, which also includes legal aliens. We have one branch of the Federal Government telling us that New Mexico has 20,000 registered aliens, 12,000 of them from Mexico. The Census Bureau information—and certainly since they have to register, and are registered—certainly there is no problem with identifying those registered aliens by county and precincts, but there is no attempt to do this.

I am not sure that the legislature—I'm not speaking here because they said they would do something. The legislature changes its mind every 2 years it changes its membership. All I am saying as long as the Census Bureau is not responsive to the political needs of reapportionment of States like New Mexico, they will be forced into a raw head count which is politically unfair.

There is a statement that even children and illegal aliens are entitled to representation. If they live in New Mexico, they will be represented by legislators. The question is whether they have to be taken into account in drawing the line. For example, in *Baker* v. *Carr,* they talked about 5,000 people electing a State senator as opposed to 30,000 blacks in the ghetto in the cities. The point was that this was called an unfair situation, a violation of the one man, one vote.

In New Mexico, the Navajo Reservation's a fairly good example. There are some enumeration districts in which the median age is 16. They have a very young population. It was part of the plaintiffs' case that 46 percent of the Navajo population is under the voting age, and so when you get into the equality of a vote, it will take about half as many Navajos in a total Navajo district to elect a representative as it will in a district that is totally non-Navajo or as the local phrase in "Anglo," because according to the Justice Department, 70 percent of the Anglo population is over the voting age of 18.

I'm not saying that the legislature will ever subtract people underage or ever subtract illegal aliens. This might affect the relationship between one county and another. All I am saying is that until we have the information they certainly aren't going to be able to subtract.

Senator SCHMITT. So you see a fundamental dilemma at least between the legal mandates and how the Census Bureau interprets it as it's been testified to here today and the legal mandate that the State has for reapportionment?

Mr. BUCHANAN. That's correct. You see, Senator, I believe——

Senator SCHMITT. One yet to be resolved by the courts.

Mr. BUCHANAN. One yet to be resolved. It's on appeal now. I believe that someday—and to use an absurd example—if you had an orphanage with 18,000 orphans all under the age of 18 with not one single voter there, they are entitled to a representative under the theory that you use a head count. If you had a camp full of illegal aliens that were being sent back to Mexico and there were 18,000 of them there under the theory that you use a head count or warm body count they woud be entitled to a representative, although there is not a single qualified voter there.

There was testimony from the plaintiffs in the recent apportionment case that all "ethnics," which is sort of a slang term for meaning people who are black, American Indian or Hispanic, have a higher birthrate. There was also testimony that illegal aliens tend to concentrate where they can find jobs and where they are in a Spanish-speaking population where they might merge. I think that even if we are talking about only 10,000 illegal aliens, this is more than half the population of a legislative district. If they tend to concentrate then in a low rent area because they are not affluent, particularly, then you are going to have a distortion of the legislative apportionment. In other words, the possible voters who elect a person and this could get down to 10 voters if you had 18,000 illegal aliens grouped together in one place.

All I am saying is that this has still to be resolved. All of the cases so far tried on a population basis system have said you do not have to count temporary people like college students. They do not have to count. You do not have to count aliens. New York at one time subtracted aliens. They had a law that subtracted them. Alaska subtracts servicemen at the present time.

Senator SCHMITT. Dr. Williams, do you have any comments on what you have heard here and particularly if you think it is just technically feasible to separate eligible from the ineligible voters.

Mr. WILLIAMS. That would be the only area that I would comment on. I certainly don't want to relitigate the case.

Senator SCHMITT. I'm not asking you to.

Mr. WILLIAMS. I find a very difficult problem in operationalizing this concept of eligibles; who is going to be eligible and how are we going to count them and separate them out. The best example I could cite is in the 1980 census, a person 16 and over may be ineligible to vote—a resident of age 16 and over but by the 1982 legislative period that person or a person who is 12 years of age or 13 or 14 or 15 or down, in fact, to 8 years of age 10 years later has come up into the voting age population and is eligible. So, for instance, what do we do about an area of town where there are a lot of families with a lot of children who are, let's say, 5 to 15 years of age proportionately. This is a family residential area. We, in essence, only do this process every 10 years.

Senator SCHMITT. So you are suggesting that reapportionment, since it operates on a 10-year timeframe, must consider those future eligible voters?

Mr. WILLIAMS. That seems appropriate to me.

Senator SCHMITT. Rather than those who have been and are eligible voters?

Mr. WILLIAMS. I am not a lawyer.

Senator SCHMITT. Mr. Adcock.

Mr. ADCOCK. Well, Senator, as you well know, New Mexico is a State that experiences a tremendous amount of migration. The net effect of that during the last 10 years has been positive. From the previous 10 years, in 1960–70 it was, I think, slightly positive. The problem is that the characteristics of neighborhoods change over time, and to sit here today and try to project the characteristics of that neighborhood 10 years later, I don't think is something that should enter into reapportionment processes. I think the reapportionment, although, should be done in a point and time—based on 1980 statistics and 10 years later we do it again.

We don't try to guess what's going to happen with those 8-year-olds in the next 10 years, whether they are going to be there at age 18 or whether they are going to move out of that neighborhood. We see neighborhoods changing quite a bit where you will have a young neighborhood and in 5 to 10 years it becomes an older neighborhood or from an old neighborhood to a young neighborhood. I don't think we ought to be guessing. I think what we ought to do is take the reapportionment at face value and say "This is 1980 for the reapportionment" and not 10 years later. As far as Mr. Buchanan pointed out concerning how we should do that, whether it should be raw headcount or not, I think he has got a good point. However, relative to your bill, I think it doesn't make any difference. Your bill has to be there one way or the other.

[Mr. Buchanan's prepared statement follows:]

TESTIMONY OF CLAY BUCHANAN
DIRECTOR OF THE NEW MEXICO LEGISLATIVE COUNCIL SERVICE
BEFORE THE U.S. SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS
ALBUQUERQUE, NEW MEXICO
AUGUST 23, 1982

The bureau of the census, at least for the 1970 census and the 1980 census, has been unresponsive to the legislative users of the census data for apportionment in New Mexico. New Mexico is one of the sixteen states, ten western and six southern, for which the precinct data was eliminated in the 1960 and each later census. Not only was precinct data eliminated, but the data on aliens was eliminated. The bureau of the census has changed the definition relating to Hispanic identification each census.

The enumeration district system used by the bureau of the census in 1970 was altered significantly in 1980 so that if New Mexico had altered its precincts in the 1970s as was suggested, to conform to the census enumeration districts, the state would have been required to jump through the bureau of the census hoop in 1980 and change them again, at great expense to the state and causing confusion to the voters. Historical comparisons of political activity and voting patterns would have been impossible. If one were paranoid, one might assume that the bureau of the census, in conjunction with the supreme court of the United States, had set out to disrupt the political process in New Mexico completely.

Prior to the historic change of direction signaled by Baker v. Carr, the census data was used by the legislature only to indicate broad trends of growth. With Baker v. Carr and subsequent decisions, particularly the Gaffney case, it became increasingly important that population count, identification and characterization become more precise since they would be used by the courts to arrive at very small percentage deviations and because of the theory of the court in applying the equal protection clause of the fourteenth amendment to compare the weight of one person's vote to another person's vote.

The ideal situation in New Mexico would be to have data by which the population in each precinct could be divided into two groups: those who, if they choose, could participate in the political process and those who, because of age, citizenship status, criminal status, etc., cannot participate. Those who are eligible would then be divisible into the minority groups to which the court has accorded protected status, i.e., American Indians, blacks and Hispanics.

In this regard, New Mexico is somewhat unique in that it has a more diverse group of American Indians. We have twenty-five separate and distinct groups of American Indians which vary in their geographical separation and in their languages. There are ten groups or subgroups which cannot communicate with each other except in a second language (English or Spanish). Not only are these groups separated variously by geography and language but by religion, custom and birth rate statistics from the rest of the state population. They are also separated by various treaties and are treated separately by the United

States government as twenty-two separate legal entities which are semi-autonomous and which have the power to enact constitutions and laws which do not conform in some respects to the constitutions of New Mexico and the United States. The body of Indian law is in a state of flux, and what used to be "local autonomy" is now apparently "sovereignty". The laws of the state and of the federal government are not applicable in many instances to the reservations or their people. This represents a very complex problem for the legislature in apportionment which the bureau of the census seems to ignore by treating all American Indians the same, even though the Indian groups have five hundred years of history of complex alliances and conflicts which color their political thinking today and which need to be recognized by the legislature in creating legislative districts.

In addition, New Mexico has a four hundred-year history of Spanish and Mexican settlement and government and has a population distribution pattern in which the "Hispanic minority" is a de facto majority in nine of its thirty-three counties and exceeds the state average in eight others. As a bridge state with a large Spanish-speaking population, it has a major Mexican alien population both legal and illegal (twenty thousand registered legal aliens of which twelve thousand are from Mexico) and an estimated population of between thirty thousand and fifty thousand illegal Mexican aliens. Because these aliens tend to attempt to merge into the Spanish-speaking concentrations, it distorts the apportionment picture even more.

From the foregoing, it is apparent that New Mexico, as a number of the western states, has a tradition of European culture that predates the settlement of the east and west coasts, and, since it was one of the last states to come under federal control, it has a greater mix of aboriginal as well as historical cultures which maintain separate identities than any other state. We do not have a homogeneous population and, because of the trust status of American Indians, may never have one. Therefore, the implicit formula vis-a-vis the census data that works in most states, i.e., that for every one thousand people there will be X number of eligible voters, simply does not work here. The Navajo reservation, for example, has forty-six percent of its population under age eighteen while the so-called "white race", or as it is locally called, "anglo" population, has only thirty percent (this must include some Hispanics) because of the confusion of race and ethnicity in the census data.

Because the census data has not, for the past twenty years, served its purpose for apportionment, the legislature has used a formulaic approach to providing the desired separation into potentially eligible voters and potentially noneligible voter population as permitted by the supreme court of the United States. The federal court has ruled this approach unconstitutional, and, while this decision is on appeal, it again becomes important as it did after the 1970 census when the late Congressman Harold Runnels attempted without avail to require census data needed for legislative apportionment in New Mexico.

Other states that have attempted a formulaic approach by the passage of laws are Hawaii and Arizona. How many other states wanted to is unknown to me; but since the census information makes it impossible to separate eligibles from ineligibles, we will never know unless there is a change in the census data.

In 1975 the Runnels-White bill (PL 94-171) was passed by congress. In our attempt in 1976 to fall under this program with the bureau of the census, the only bureau guideline to which New Mexico was unable to adhere was the visible boundary requirement. Being a sparsely populated state and the fifth largest in square miles, visible features can mean different things to different people. For example, a "ditch" on a map used by the bureau of the census is a visible boundary, even though the ditch has been filled in for twenty years. Most ranchers in the rural areas have their lands fenced or roads constructed along their property lines, but these features do not appear on the map used by the bureau of the census. Also, it appears the bureau, for purposes of enumeration, can identify "non-visible boundaries" around Indian reservations, municipalities, counties and military reservations but is reluctant to similarly accommodate the state of New Mexico with regard to its traditional and historic precinct boundaries. Consequently, the state, by order of the federal district court, purchased at a cost of $59,775 census data based on election precincts for five counties (Bernalillo, Dona Ana, Chaves, Eddy and Santa Fe), while census data for two other counties (San Juan and McKinley) was provided at the request of the United States justice department for a total of seven of the thirty-three counties in New Mexico, or sixty-four percent of the state's population. Thus, the bureau of the census now has this information on file for future use and could readily convert the remaining thirty-six percent of the state's population.

I support Senate Bill 2721 because, while it does not give New Mexico the ideal information, it would at least save us the expense of having to buy the information from the bureau of the census or private demographers as we were required to this last year, at a cost somewhat in excess of $100,000. We could perhaps also have avoided the cost of two very expensive court hearings, which are even now not completely finished, but which may cost the state as much as $500,000. Perhaps we could have avoided two special legislative sessions, at a cost of $280,000, and the expense of conducting a special primary election, which is estimated to cost $300,000, and perhaps subsequent special elections, depending on the outcome of the court suits. In addition to the suits on behalf of minorities, New Mexico may soon face suits based on our current use of total head count as a violation of other civil rights equality from the other side.

To summarize, New Mexico needs precinct information, based on its historic precincts, which would apparently be provided by this bill. Perhaps this could allow the bureau of the census to avoid some coding errors by allowing it to compare population statistics with voting patterns. We also need to be able to separate eligible from ineligible population, using census data. In addition, more detailed information should be provided concerning the subdivisions of our various minority populations to allow the legislature to protect its minorities from submersion by other minorities, if possible.

Specifically, I suggest:

1. Identify American Indians by their belonging to separate governmental entities, i.e., as belonging to a tribe or individual pueblo, particularly in counties having more than one reservation or group.

2. Further refine the problem of race and ethnicity and segregate data by race for the ethnicity identification to avoid the tendency to attempt to equate race and ethnicity as being the same thing by users.

3. Handle the confusion caused by using "common terms" of self-identification, i.e., "white" rather than "Caucasian", by not oversimplifying the forms. Use parenthetical items to clear up confusion.

4. Ask some questions about voter eligibility or from which voter eligibility can be inferred, such as whether or not under state law they believe they are eligible to vote in the state in which they currently reside or whether they are registered to vote in some other state, etc. I am aware that the bureau of the census is not interested in asking an illegal alien if he is one, or running the risk of disclosing that a certain person is a convicted felon not restored to voting rights, but the reason for ineligibility of the noninstitutionalized could be delicately handled and reported and, at least in the case of institutionalized felons, there could be some way to subtract

them from the population.

5. My last suggestion is that, for states such as New Mexico, there be no rush to report detailed statistics until the first flurry of changes and corrections has been made. There is great pressure to reapportion, not because of our laws requiring it, but just because the bureau of the census puts out state and county totals. This year, after about three months of work, the state and county totals were changed, and we had to start over. Until the information is relatively stable, please do not confuse the folks by reporting that the census is out, and please do not "substitute" twenty percent of the characteristics of an entire county; it completely destroys the credibility of the data.

New Mexico Legislative Council Service
Santa Fe, New Mexico 87503
August 18, 1982

Senator SCHMITT. Yes? Will you please identify yourself?

TESTIMONY OF DAN SAVITT, CENSUS LEADER

Mr. SAVITT. I was a census leader here until I got so sick of the corruption in what was being done that I split. I went to Salt Lake City. They were behind. I finished up for them and got a big bonus for doing a big job. I listed more living quarters in Salt Lake City than anybody on this nice Morman woman's crew. They all got $50 bonuses and I didn't get anything. You know, I was a good census crew leader and enumerator, and as a result, I didn't make it very far in the census operation here in Albuquerque because Randy Romero, who was in charge of the census operation here, had only one goal in mind, which was to keep the gravy train moving as slowly as possible. There were even files of information that were thrown out the window. Literally thrown. That's why the census headquarters was over in the Air Force base so that the public wouldn't know what was going on.

At one point, I twisted a woman's arm to be able to take a test for a particular promotion, and they already decided that this State senator's son or someone was going to get the job. He did, in fact, get the job. I later found out he didn't even pass the test. You know, consistently people were promoted who were the least effective at doing the job.

Senator SCHMITT. Rather than get into details which are a little bit beyond the scope of this hearing, would you be interested in providing the committee with some written testimony?

Mr. SAVITT. Yes, I would.

Senator SCHMITT. Would you do that, please?

Mr. SAVITT. And I have a friend, by the way, who told me—I doubt seriously he would be willing to testify, but perhaps if you provided him immunity—because he was pretty disgusted. He filled out, I guess, 20,000 bogus census forms. They had him working for 2 weeks over at the census headquarters. Apparently, they decided that some areas did not have enough people and they just had him come into the census center for 2 weeks and fill out forms.

Senator SCHMITT. We are not trying to get into that area. We may have to, though.

Mr. SAVITT. All I am trying to say is that as long as the census operation is a political program, whether it is Republicans or Democrats in office, it is going to be a big waste of taxpayer's money, and I don't really think most people in this town have any idea what a joke it was.

Senator SCHMITT. One of the reasons for this hearing is to try to find ways of streamlining the program so that doesn't happen. I wonder if I could ask you to meet with one of the staff members after the hearing?

Mr. CARO. I will identify myself. My name is Madison Caro—African-American. I am very happy that we hear someone from the Federal census. I dislike the word b-l-a-c-k. I am one American citizen who dislikes it. Now, if you are going to use the word, you should use the word African-American. I am sorry for the interruption but, thank you, young man. I wish we had more people to speak up. This country needs more people to speak up.

Senator SCHMITT. We will have the staff speak to you.

Mr. CARO. Mrs. Hudson knows me. I was into your office a few days ago.

Senator SCHMITT. Thank you.

Mr. Chapman, do you have 60 seconds of comments? Do you have comments, more or less, on those issues in your testimony or on answers to questions?

Mr. CHAPMAN. I think I really have, Senator. I appreciate the chance for us to be able to participate, and I don't see the conservative purpose to debate, but I do want to say that we appreciate what you have done. I think it helpful to have this airing of the issues, and I'm looking forward to working with you.

Senator SCHMITT. We will go to our next panel. Mr. Ken Lewis, Hobbs director of finance. I am sorry, Mr. Harvey is substituting. Connie Thompson, mayor of Espanola; Mayor Wayne Lewis of Gallup; Leon Eggleston, former clerk/treasurer, Capitan.

TESTIMONY OF JOSEPH HARVEY, CITY MANAGER, HOBBS, N. MEX.; CONSUELO S. THOMPSON, MAYOR, ESPANOLA, N. MEX.; WAYNE LEWIS, MAYOR, GALLUP, N. MEX.; AND LEON EGGLESTON, FORMER CLERK/TREASURER, CAPITAN, N. MEX.

Senator SCHMITT. Mr. Harvey, you are first on my list and you are city manager for the city of Hobbs. And your name sir?

Mr. LEWIS. Ken Lewis.

Senator SCHMITT. You are Ken Lewis and you are the director of finance. We will get it straight here.

Mr. HARVEY. I was just going to say that my second year dealing with the Census Bureau, they finally did something that I agree with. They hired a guy from my old State of Washington. It is a shame that he had to move to the District of Columbia, but that's what happens. Quite obviously, our testimony won't be as technical as that presented by the State or on the Federal level, but we would like to give you the effects of the 1980 census taken and some comments as it relates to the man on the street.

The city is very much pleased that you would afford us this opportunity, and certainly this issue has and in the figure will continue to have a very devastating effect on the people of our community, as well as the State of New Mexico and other States similar to ours. We would like to assure you that our approach to the problem solving is generally not one of pessimism or negativism. However, the disorders and careless efforts of the Census Bureau during the 1980 enumeration leaves little room for positive comment. I think it would be very interesting, Mr. Chairman, if you could lay our testimony side by side with that of Mr. Chapman and then in most cases, you would look on a striking parallel of what he would like to see it as compared to what it actually was on a grassroot level.

The problem, Mr. Chairman, is exactly as stated in the public hearing announcement. New Mexico was particularly undercounted, and I am also reminded of your quote and question of a moment ago, was the census taking cost effective. And from a standpoint of our grassroots experience in the community of Hobbs, the fun and games that we have had with the 1980 census taking process cost the citizens of our community in excess of $50,000 which from a cost-effective standpoint of the effects of the census that would lead one to believe that each one of our citizens that were enumerated were assessed $2 for the right to say we don't agree; multiplied by the number of citizens of our country, we would be looking at something like $460 million of expenditure of the 1980 census just to say we don't agree; to say nothing of the cost effectiveness of the ongoing census. In some cases, Mr. Chairman, such as in Hobbs, our citizens were vastly undercounted.

We have proven our information as not based on feeling or guess but rather on facts developed by a 15 member committee at a cost, again, in excess of $50,000 to date, and the hard-working group known as the Complete Count Committee labored to establish a plan which literally counted our city's population on a block-by-block basis. The magnitude of the Hobbs undercount is documented at between 10 and 13 percent. As we have told the Census Bureau repeatedly from 1980 on, our people count was dependent on established utility accounts at specific addresses. Therefore, a complete count committee could not logically count transients, unregistered workers, or illegal aliens. As is commonly known, thousands of such individuals were missed in 1980, so the undercount in Hobbs could run as high as 20 or 25 percent.

Mr. Chairman, on a procedural note, I wish to acknowledge that the city appreciates this hearing being called on such a short notice. As Ms. Salisbury has stated, the written record will remain open to be sure that the city of Hobbs will submit detailed testimony of our statements at a later date. All such facts were submitted under oath in the Federal action taken by the city of Hobbs in the U.S. district court against the Bureau of the Census to say nothing of a computer printout about 6 inches thick of mainly addresses and almost describing our citizens from head to toe.

Let me concisely state some reasons why our community was undercounted and steps the Bureau can take to lessen the problem in 1990, hopefully. First of all, why was Hobbs undercounted? For fear that we would write a novel on this topic, let me just highlight some of the specific reasons. First of all, in 1977 the Bureau contracted with the University of New Mexico to develop enumeration districts. I keep quoting that because it was a very, very important phrase when it was first introduced to the communities in our State. The State action being superfluous as far as we were concerned on a local level, when the leaders of the Census Bureau came to our town we disregarded what action the State must or must not take with simply taking them for the record when they tell us if we do certain things, then they, in turn, will also do certain things for the city of Hobbs.

Senator SCHMITT. Excuse me, Mr. Harvey. I saw a head shake in the background.

Mr. TURNER. I just want to interject a point of information. This local enumeration district program did not involve a contractual arrangement. It was a program that was publicized in 1977 throughout the United States. If a State legislature did not enter the program for suggesting that ED boundaries be redrawn to match precinct lines, then we allowed local authorities to suggest what they felt the ED boundaries might be. In either case, only visible boundaries would be accepted so that data for the resulting ED's would be more accurate.

Mr. **Harvey**. Now, this has been interpreted the way you just spelled it out, but quite obviously during the Federal district court hearing, the definition changed somewhat.

Senator **Schmitt**. Let's go ahead; we would like to get that cleared up before the committee.

Mr. **Harvey**. Mr. Chairman, the city of Hobbs diligently drew a suggested map as per census identified lines and received general approval. With this in mind, the city began planning for strategy in the community. Despite requests by the city in 1970 and in 1980, no final map of census districts was available until almost 30 days prior to the census date, April 19, 1980. The map finally supplied bore no resemblance whatsoever to the planning of years earlier. For instance, the Census Bureau in the Las Cruces area told us that they were still busy drawing enumeration district lines well into March 1980, and that no other maps were used because the boundaries were not in recognizable form.

The Bureau had literally destroyed 18 months of at least the city of Hobb's logistics. The pledge of a National Bureau of Census to work closely with local units of governments was completely ignored by the field officer.

Second, a major problem resulted in the southern district of New Mexico because the job of counting was given to some inexperienced nonprofessionals. The city of Hobbs literally spent hundreds of dollars on long-distance calls to the Denver regional office of the Bureau of Census because no man in the Las Cruces office could answer our questions. This lack of professionalism was acknowledged to the city in phone conversations by the Denver office personnel.

Third, all through 1979 the Census Bureau promoted its local review program. That, again, was too predominant during that precensus period local review program. That in our—by our definition as proposed to us took the place of the aforementioned testimony relative to State mandating or lack of it. This local review program was to give local governments a chance at a precensus check of governmental statistics. For some 7 months, the city attempted to find out how this would be done for a town like Hobbs. The last week of March, the Las Cruces office acknowledged that they had absolutely no plans for the precensus review. Indeed, they had misinformed us again.

Fourth, another part of the plan, a postcensus review. What happened? When the cities submitted detailed information concerning our address lists, residential counts, and population numbers, we were told, "Sorry. We cannot use your information. We must develop our own lists."

Despite the national stated policy, the local office folks disregarded the State Census Bureau policy. The result is that the Census Bureau did not try to make use of the accurate information which we already had. Such blatant action was arbitrary, reckless, and totally illogical when the city of Hobbs was following in prescribed methods.

Fifth, the Bureau announced that it would employ 50 enumerators in the city of Hobbs to, in a timely manner, conduct its operations. However, field operations people have confirmed that the employment levels rarely reached above 50 percent and that the enumerators—despite them passing a test—could barely read. The turnover was constant and led to the inability to complete an alleged enumeration until mid-August of 1980. A period of over 120 days. It is a fact that very few low-income and/or minority enumerators were utilized. It is not surprising that in one specific enumeration district with a substantial population of lower income and elderly persons that an undercount of 36.4 percent occurred.

The method by which the enumerators were paid was almost ludicrous. They received compensation for each form turned into the office. Field operations personnel confirmed that if someone was not at home, that the enumerators simply wrotc the word vacant for the address. Therefore, they got paid. Otherwise, it might take innumerable visits to one address, costing hours of time and inconvenience. The 1980 census shows a housing vacancy rate of near 10 percent. A rapid growth, energy impacted community such as Hobbs is almost laughable when a well-documented housing shortage has existed since the 1973–74 Arab oil boycott and by the way, when the 1976 HUD study shows that the vacancy rate in Hobbs—and it hasn't increased much from that—was less than 1.1 percent, we are grateful to say.

What else happened? What else helped cause this undercount? Many items but a few of them more striking are massive raids by the Immigration and Naturalization Services on census day. As I have previously stated, if the Bureau was really serious about counting such persons as truly residing in the community, such an event should never had occurred at that time, even though then Attorney General Jeffrey Lete came to Arizona to try to convince people that the idea was not to discourage minorites to be counted. We at the local level know the effect was just the opposite.

Senator SCHMITT. Was the timing of those raids relevant in counting?

Mr. HARVEY. Yes.

Senator SCHMITT. What was the timing? When did they occur?

Mr. HARVEY. During the month of March at the same time the counting was going on and also on census count day.

Senator SCHMITT. Is it true that the census department shared their information with the INS authority?

Mr. TURNER. No. It is not true. If there is any evidence available to the contrary, we would be the first to want to see the evidence.

Mr. HARVEY. It was submitted in the U.S. district court.

Mr. TURNER. I am not personally familiar with the Hobb's litigations and whether this alleged relationship with INS was presented during the case, I can't say.

Senator SCHMITT. We will study the court record.

Mr. HARVEY. Mr. Chairman, people of all kinds felt that the census form was far too nosey. I noticed in testimony submitted by Mr. Chapman that they addressed that term throughout his record, being nosey, and I would certainly agree with that.

The low-income people in Hobbs submitted to city employees on the precensus count that they would never fill out a form because the enumerators would find out that they were on welfare or that my only money is from social security. Others felt it an invasion of their privacy. They asked how many children, marriages, bathrooms do you have. The census form taken on every sixth house, theoretically, was even more objectionable and greatly hindered compliance when some stranger would come to their door and look over their house.

I stated earlier that the efforts of this undercount would be devastating and how would that be? If our low-income persons had been undercounted by 15 percent, the city stands this year to lose some $200,000 or $300,000 under community development block programs, low income and CETA funds and other related programs which are allocated in part based on population. Further, the State of New Mexico general-revenue sharing entitlements would be significantly reduced within the overall formula. Though population is not a significant factor within the State, the overall effect of an undercount is to deprive citizens of their fair share of allocations under congressional mandates. What will be further devastating to the city of Hobbs will be the significant disapportionment given to the housing picture.

As the census presumes to yield accurate information as to vacancy rates and housing densities, the total unbalanced picture presented by the undercount will only hinder housing quality standards for our most needy citizens. Notably, senior citizens and very low-income persons. It is a already happening as new policy designed to help only the most needy are taking effect. Many low-income Hobbsons have confirmed they did not participate in the census.

The question now becomes what can the Bureau do to avoid problems in 1990 or whenever. Our suggestions, Mr. Chairman, are simple. First, use the same system to count populations everywhere except in extremely remote areas. Hobbs and New Mexico were not to be treated as stepchildren by the Denver office and the Bureau of Census. I think sometimes we get too professionalized, and I certainly appreciate the demographic profession to the very least, but when it becomes easier to sit at a desk in communities and single out formulas that should be projected within outlying areas within the planning district of a particular city using in-and-out migration-type formulas as opposed to driving out there and seeing the house, then it becomes rather ridiculous.

Second, to make sure that the professional demographers who work on the Bureau of Census in each district office show no exception to political employees. Further, if you have an announcement from the national office that a precesnus local review will be offered, then offer. Do not give the citizens of Hobbs or any local credit for having less intelligence than those in major population centers. Fair is fair. If the census did not offer quality good information, it is worthless and often detrimental.

Third, uncomplicate the forms. We are convinced that that is essential if a significant segment of the population is going to volunteer compliance with the second census.

Fourth, do not have agents of the Government, such as the Census Bureau and the Immigration Service, working on cross-purposes.

Fifth, and finally, attempt to pass legislation, Mr. Chairman, which is quite obviously what you are doing here, which will require the Bureau to use information provided by local authorities. To arbitrarily exclude such information, in our opinion, is inexcusable.

Mr. Chairman, again, the city of Hobbs appreciatges this opportunity to address your committee and we feel like we are a very good sampling of the New Mexico communities that have had direct contact with the Census Bureau on a day-to-day basis since the 1970 census taking. Thank you very much.

Senator SCHMITT. Mayor Thompson, you may present your statement.

Ms. THOMPSON. The city of Espanola would first like to thank Senator Jack Schmitt and the Committee on Government Affairs in allowing us to participate in the oversight hearing relating to the 1980 census. We are cognizant to the fact that it is very difficult to provide an exact population count for any municipality, but when there is an undercount that is of significance, we feel that it is of importance to speak out.

The city of Espanola is located in northern New Mexico with two counties, Rio Arriba to the north and Santa Fe to the south both located within its corporate limits. We also have the San Juan Pueblo located to the north and Santa Clara Pueblo located to the south of the city limits.[1] It is for this reason that the city of Espanola was required to respond to two distinct census offices, one in Las Vegas and the other in Albuquerque. When the preliminary housing and population count was taken, the city of Espanola gained a total of 1,058 housing units from 1970 to 1980 with only 236 people.

When the city council was informed of these preliminary figures they immediately requested a meeting with the district census managers so that they could request an explanation for such a difference in housing units to population. The city council and I were informed at the August 7, 1980 meeting that the district census offices were having trouble in keeping people employed and that there were numerous clerical errors in this preliminary count. The district managers indicated that they would recanvas some of the emission districts and were in agreement that the vacancy rate of 15.5 percent was high. They also agreed that the population of 236 for the 1,058 housing units was low. An average of 2.9 people per household was being used for the city. Yet when the 1980 census for population was published, it indicated a difference of only 2,275, 1970 being 4,528 and 1980 being 6,803. If for example the Census Bureau was to use the figure of 2.9 people per household which we felt was low, the total population would then consist of 7,596.

After reviewing the preliminary count back in August 1980, we then assigned the city planner along with the cenus committee to review the emission district that were in question. The census committee and the city planner presented the city council with a population count of 8,410 with an average household of 3.5. They indicated to us that this figure was still less than that used in the 1970 census. The larger population figure was determined by review and counting of houses in the field, the use of the 1980 aerial photo, building permits issued, addresses and basic knowledge of the community and its residents.

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[1] See map on p. 58.

We feel that some of these problems could be avodied in the 1990 census if more time was taken in the preliminary count along with steady employment with census takers. Possibly, some kind of contract could be set up with the census takers so that they will stay with the project to the end. If both districts would follow the same format, there would be a more acurate count and simplify the process. For example, half the city of Espanola was asked to send in their census count while the other half was asked to hold on to them until the census taker approached them. Most important, if the district would work closer with the city, information would be dispatched quicker and more accurate.

We are well aware that it is too late to change these very important 1980 census population figures. It was felt that it was necessary for the city of Espanola to indicate to the Committee on Governmental Affairs of our concern regarding the undercount. Again, I would like to thank Senator Schmitt and the Committee on Governmental Affairs for allowing us to present you with our concerns in the above matter.

Senator **SCHMITT**. Thank you, Connie.

Mayor Lewis, you may present your statement.

Mr. **WAYNE LEWIS**. Thank you so very much for the invitation to testify.

First off, I am Mayor Lewis from the city of Gallup. Gallup and McKinley County at the start of the 1980 census count, we were from the Las Vegas office. We were one of the fastest growing areas in the State of New Mexico at that time. I would like to echo what Mr. Harvey said about the Las Cruces office, anyway, that there were three changes in directors in the Las Vegas office during the census count. The city of Gallup and our director of the census was never contacted prior to the actual count of the census in the city of Gallup. The enumerators that they had in the city of Gallup, it seems that they sat up their own rules. They apparently knew that there was going to be a protest, and one of the first things that we were notified of by the census is that we could contest actual household counts, but we could never contest the amount of people per household. I think this is very, very unfair.

Gallup was a total count city. Every census form was to be picked up in the city of Gallup. We had numerous city employees that finally brought their forms into City Hall. My personal company secretary, her census form was never picked up. Mine was picked up the third week in June. Now, the census was back in April.

All along the city of Gallup offered that we would take our fire department, that we would take our city employees, that we would be very pleased to furnish transportation and conduct along with the census enumerators a physical count completely of the city of Gallup. This, we were told, because of the confidentiality was not allowed. Also, we could never see any of their census forms because of confidentiality. When they came back with the count, it seemed that they had just decided arbitrarily that they are going to assign so many people per household. There were certain errors that they could not take out, and we were told that if we had taken a complete physical count of the population living in Gallup, that it would be of no accord to the census because of their established rules and this confidentiality.

I would like to point out one thing. In the city of Gallup, they finally wound up with a 2.81 per household. Gallup is composed of mainly minority groups, Catholics, that have a larger than nationwide population growth. I will just give a for instance, Senator. In our public housing in the city of Gallup where we knew exactly how many people lived in each one of those housing units, our total population per housing unit was 3.51 persons per housing. This was in our public housing. This was of no concern to the Census Bureau. Again, as I say, we had 2.81 as far as they were concerned. Yet, this is better than 7 percent of our total population.

Gallup last year celebrated their centennial. For the past 100 years, we have had a critical housing shortage in the city of Gallup. Yet, we were shown to have in some enumeration districts up to 25.3 percent vacancy rate. We have had less than 1 percent vacancy rate in the city of Gallup in the past 100 years.

Could you get the Census Bureau back in and do anything about it? Absolutely not. We even volunteered, as I said, that we would furnish the people, we would have them deputized, we would have them sworn in for confidentiality. No go. We had a visit from Mrs. Betty Howell from the Bureau of Census. Her and some other lady came into Gallup one time. They met with our city manager and myself and they were going to do a recount of several of the enumeration districts in Gallup. That was the last time we ever saw them.

We have one public housing unit in the city of Gallup that sits off a half mile from any other portion of the city. This public housing unit contains 46 units. At one time, the Census Bureau had 256 housing units. Again, I would like to state that this sets off a half a mile from any other district. When we contested, well, this will be adjusted. After many, many, many months, it was finally adjusted but they finally came up with a housing count of 51 units. Somebody cannot count, because there are only 46 units sitting there in the enumeration district, and it is totally all alone. They had one enumeration district that was totally a mobile home park. We asked for a list of the residents of that mobile home park, and they have every person in the enumeration district listed again. This was of no concern to the Census Bureau.

Now, I have to contest the fact that this census was conducted fairly or that it was even conducted in the city of Gallup. As far as we are concerned, there was absolutely no cooperation and it seemed that every time they upped our housing count, they cut down on our per household. I think this is no way to conduct a census. They did not work with the city of Gallup. We did not have local people gathering census data from the city of Gallup that are acquainted with our people in the city of Gallup. Again, with the many, many minorities that we have the count would be very unique, and I will again say what Mr. Harvey did, that the census form that was used, may people would not fill out that census form because they felt that it was too personal, and where you get into the minorities and the ethnic groups we have in Gallup, they are very concerned about personal questions. Every form was to be picked up. There were lots of people who never even filled out those forms.

Senator SCHMITT. Mr. Turner, is there not a penalty for not completing that form?

Mr. TURNER. Yes. There is a penalty. It is now a fine, but prior to 1976, there was also the possibility that the court would impose a brief jail sentence if a respondent refused to provide the requested information to a sworn census enumeration.

Senator SCHMITT. Has anyone ever been prosecuted?

Mr. TURNER. Yes. There were approximately four prosecutions in 1970.

Senator SCHMITT. Any successful?

Mr. TURNER. Yes.

Senator SCHMITT. How many?

Mr. TURNER. I don't know precisely how many. Eddie Rickenbacker is the only one that comes to mind, but that was in the 1960 census, I believe.

Senator SCHMITT. Would you provide that for us?

Mr. TURNER. I would be happy to.

Senator SCHMITT. Our information is that it has been less than 12.

Mr. TURNER. That would probably be about right. Yes.

Mr. WAYNE LEWIS. Our first challenge was at the time Mr. Ed Orrijo was the Director in the Las Vegas office. Shortly after that, Mr. Orrijo left. If you will get the testimony that was conducted in Santa Fe at the hearings where many of the cities of the State of New Mexico challenged the census count, Mr. Orrijo testified at the hearing to the wrongdoings that were going on in the Las Vegas office. That was the reason that he resigned from that office was because, again, as the gentleman testified earlier, they were sitting in an office and filling out a household count. There is no way that anybody could ever come up with a 25.3 or a total overall nearly 12 percent vacancy rate in the city of Gallup. Yet, that is what they did, Mr. Chairman. I started the protest with Mr. Orrijo at the Las Vegas office———

Senator SCHMITT. I'm going to have to ask you to move on here. Can you summarize? We will certainly keep our record open.

Mr. WAYNE LEWIS. Yes. I most certainly will. What I wanted to get into somewhat, I am sure you are going to hear from Governor Lewis of the Zuni Pueblo and from Mr. Paul of the Navajo Nation but we are deeply concerned about those, also, Mr. Chairman. I will stop it right there, but we have further protest to go on this.

Senator SCHMITT. We would hope that you will provide that information to us. Sorry to interrupt you.

Mr. WAYNE LEWIS. I think, Senator, that you and Senator Domenici have been furnished at all times the protests from the city of Gallup that have went through clear to the National Census Bureau.

Senator SCHMITT. Thank you. I know it will be part of our records.

Mr. EGGLESTON. I would thank you for having me in today. Capitan only has one enumeration district and we were lucky we had the one but it was grossly undercounted. We personally—the deputy clerk and I—did our own count and we came up with 2,097.

We have no street signs, no street addresses. You cannot differentiate when you are in the county or city portion. The only way you are going to know is if you work for the city.

In this case, we had people from Alamogordo that did our counts that were not familiar with the area, and I know that the county got credited for some of our residents. Now, I protested their preliminary count of 669 people in 408 housing units. I received an updated count of exactly 769 people. The housing units reduced by 13, that is, 395. I would like to know where they put the other 100 people when their housing units decreased.

Capitan showed a vacancy rate of 31 percent. Now, I was told by Alan Winger that a vacant house is a house that obviously cannot be lived in. The windows are out, there is no door. We do have summer residents that have two homes. They come up for the summer but we were counted with a 31-percent vacancy rate, and we have 14 houses in Capitan that are not livable houses.

Dealing with the Census Bureau, as far as I can say, is totally unreal. I have talked to brick walls that I got better information out of. I personally am not happy with the Census Bureau, and it's probably—Ken Winger, I spoke to him and it's probably not going to get over for me for the next 10 years.

I want to see how 1990 comes out. I feel they have to work with local governments. We have a lot of information that could be at their use with their utilities. We have got a lot of things that we can offer on the census count.

One other thing, their confidentiality laws. When I would call in with a question like where is this vacancy that you are calling a vacancy, it was confidential and I still don't see what is confidential about a vacant because we can certainly find out who owns it.

Senator SCHMITT. Mr. Turner, previously it sounds like a great deal of the problems those communities face had to do with the quality of the local effort in the county. Wouldn't it be possible to consider and should the committee consider authorizing the development of an enumerator research group of qualified people that would begin to identify now so that at the time the census, this group could be paid during the time they are in training, with the understanding it's a temporary force, but a high quality force including people from local government, as well as Federal agencies that have the appropriate qualifications. Why shouldn't we do that? Why should we go through this process of getting totally unqualified people and expect them to do the job?

Mr. TURNER. We don't necessarily. It's something that Mr. Chapman indicated is in the early stages of planning. We felt that this local review program which we ran for the first time with the 39,000 local government was important for improving the count, although we did find a number of flaws in this program which some witnesses have testified to.

We are, ourselves, very eager to work with you, to work with the local governments, and we hope to improve the program for 1990. But in all honesty, most new broad-based programs like this, when you first try them, you find gaps in them. We are anxious to plug those gaps, and we would be more than happy to sit and work with you and the locals to try and put improvements into place.

Senator SCHMITT. It sounds to me that if we continue on the track we took for 1980, we are going to have the same kind of problems.

Mr. HARVEY. I would like to add one final thing for this gentleman. My form was finally picked up the third week in June. The California Volkswagen van that pulled in front of my house to pick up my census form—and I hate to refer to it this way—but it seemed it was a major throwback to the hippy days of the early seventies and that gentleman picked up my form. I am sure there were a number of people in the city of Gallup that would have turned him away from their door without even answering their door. What was a California van doing picking up my census form?

Mr. TURNER. We use college students as some of the other witnesses have recommended that we should. Oftentimes the students were from out of State, and they used whatever vehicle they had available to them.

Senator SCHMITT. Do you think the confidentiality issue was a farce or do you think it actually——

Mr. TURNER. No. We see our pledge of confidentiality to the public as a very real safeguard to insure cooperation.

Senator SCHMITT. Wouldn't the concept of a reserve force that comes into being over the next 8 years with identified public officials in the local area who would participate in the census and clearly with the force of the law avoid any violation of confidentiality?

Mr. TURNER. No, sir. Under the current rulings of the Supreme Court, we have had two occasions involving the confidentiality of addresses or the information that is being spoken of by Mayor Lewis. That information has been upheld as confidential.

Senator SCHMITT. I am not saying it is not confidential, but why do you have to hire people who have never done anything in city government, never done anything in government at all, who have no background or experience as enumerators? Are they to hold this information more confidential than the mayor would?

Mr. TURNER. The enumerator is sworn as a census employee and is under threat of law, even after their employment, should they violate 13 U.S.C. If elected officials in all 39,000 local governments had access to the census returns, we feel the public would perceive this as a threat and cooperation would be undermined.

Senator SCHMITT. In Gallup, why couldn't you have made an exception for a city that wasn't being counted to go in and swear to confidentiality and essentially deputize several of the employees of Gallup to do this job?

Mr. TURNER. I don't know why in the particular case of Gallup that wasn't done. I suspect it would have set a precedent that we could not control and raise public doubts about elected officials hurting such access to their personal data.

Senator SCHMITT. Why couldn't it have been done?

Mr. TURNER. Beforehand, if city employees had been working for the Census Bureau, actually became its employees, not just sworn agents, it might have been possible.

Senator SCHMITT. Why couldn't they be temporary employees?

Mr. TURNER. They could be temporary, and as the director indicated, we would be happy to explore that as we plan for the 1990 census.

Senator SCHMITT. We will look into that.

Mr. WAYNE LEWIS. I have in my files a letter that I addressed that you have a copy of where we specifically offered that, and we would have them sworn in and wanted it under the supervision of the Census Bureau so that they could get an accurate count in the city of Gallup. We volunteered our community services, our city employees and they could be sworn in as employees of the Census Bureau.

Senator SCHMITT. It would seem to me that if we thought about this, we could put together any given political entity: particularly in a city of this size, the areas of expertise that already exist in the city and have those people identified as enumerators for that city, sworn in under the threat of prosecution to confidentiality to accurate representation of facts. This could include the appropriate employees of the telephone company and the proper employees of the city government, the fire and police departments. It would seem to me that on April 1, with the properly mobilized team, you would have that count in 24 hours instead of having to wait weeks.

Mr. EGGLESTON. We know when we have someone move in and we install a meter for them. We get that information. At any given time we can tell you how many people are living in Capitan. When someone moves out, they are taken off our records.

Senator SCHMITT. Albuquerque has a little bit more of a problem.

Mr. EGGLESTON. But let's face it, there are 97 incorporated municipalities and probably 80 of those are towns. Many of the smaller municipalities can do those things. I know that Albuquerque, Santa Fe, and Carlsbad—those municipalities cannot do that.

Senator SCHMITT. I don't know that they cannot.

Mr. ADCOCK. I think that you were misled in a previous answer that was given to you by the Bureau of Census when you asked about political appointees, I believe—and Mr. Turner, correct me if I am wrong—the coordinators of the districts are basically political——

Mr. TURNER. Mr. Baunpane did say that the district office managers or assistant managers were hired through the referral system in main cases.

Mr. ADCOCK. You can be assured, particularly in New Mexico, the enumerators are political appointees. Many problems that we have heard here, I am not sure I agree with all of them, but the housing counts as we go across the State and do our inspection trips and so forth, we find that the vacancy counts are not right. This was an——

Senator SCHMITT. You mean the census vacancy rates?

Mr. ADCOCK. I don't understand. There is an upward bias in this.

Senator SCHMITT. You generally support what the mayors have said about their census count?

Mr. ADCOCK. Absolutely. They—census data—are wrong. I can't be as sure about the total population as I can the housing counts that are wrong.

Senator SCHMITT. In my own work on rural housing problems and dealing with farmer's homes, we find that the vacancy rate in New Mexico is very low right now.

Mr. SAVITT. Please, Senator Schmitt. I was working on this project and I particularly—I was working in Espanola and I know the realities and I was up there. The reason Espanola didn't get counted is because there was an orgy at the motel in Las Cruces which lasted about a week. The crew leaders stayed drunk and sat by the pool and sent out enumerators who didn't know what they were doing and didn't much care to do much since they knew their crew leaders were staying by the pool and getting drunk and taking the female members of the crew into their rooms during the day.

You know, Espanola was like a paid vacation for the loyal members of the census crew. Another thing working out—the fact that people of Gallup were counted from Las Vegas. The way it worked, the political—the guys up on top would hire their cronies and then sit. You see, census enumerators are paid by percentage so it's very convenient to have Gallup out of Las Vegas because that means you can get your friends to drive 200, 300, or 400 miles a day. I had one of the crew leaders who know absolutely nothing about the Census Bureau. I had worked for him. Another thing——

Senator SCHMITT. We really are going to have to move on, and we have agreed that——

Mr. SAVITT. There were qualified people to do their jobs. Those people were not used and were kept in inferior positions because they wanted to keep the gravy train moving slowly as possible.

Senator SCHMITT. We are going to have to get this information from you.

Ms. THOMPSON. In defense of the people of Espanola, the enumerators were not local residents from Espanola. They did come in from out of town. They did not know the streets in town. They knew nothing about the town, and I think that was one big drawback in our census count.

Senator SCHMITT. Thank you.

[The prepared statement of Mr. Eggleston, with attachments, and attachments submitted by Mayor Thompson follow:]

PREPARED STATEMENT OF LEON EGGLESTON

The Village of Capitan is a small community located in the South Central Mountains of New Mexico, twenty miles north of Ruidoso. Capitan has no street addresses and very few street signs. What street signs we do have are located in the Village proper only. The subdivision areas have no signs at all.

I feel we were undercounted for the following reasons:

1. People from out of our community were hired to do the enumerating.
2. They were not familiar with the area. Even with the maps furnished, if one is not familiar with the area, credit for the count could have been given to the wrong enumeration district. It is difficult to know when you are in the county portion or the Village portion.
3. Discussing the figures received from the census bureau, I can only say it was unreal. Practically every question, I asked could not be answered because it was considered confidential. Vacant houses—We were told these were houses that it was obvious that no one lived in. When asked the location, we were told this was confidential. What is confidential about a vacant house? You can get the name of the owners of every piece of property from the County Clerk.
4. In the Village of Capitan, we had 462 water meters installed at the time of enumeration. Of those 462, 47 were business meters, 415 were residential meters of

which 7 have two homes serviced with one meter, and 28 homes with private wells. The census showed a housing count of 395 housing units. My calculations show a difference of 55.

I protested the preliminary count of 669 people and 408 housing units by filing their form D-74. I received the updated count of 769 people and 395 housing units. The housing units decreased by 13 and yet 100 people were crowded into where?

If this is the kind of count that is going to be done, we are better off not wasting the taxpayers money. If the inaccuracies that were committed in Capitan were committed throughout the United States, our overall count is grossly undercounted.

I suggest, that the census bureau work in conjunction with the local jurisdictions who are familiar with the locations being counted and cooperate in regards to questions asked so that the most accurate and complete count could be tallied for the 1990 census.

LOCAL OFFICIAL REVIEW LIST (Part 3)

Component parts	Housing units						Population					
	Total	Vacant	Vacancy rate	Local estimate	1970 total	Percent House change 70–80	Total	GQ	Population/HH	1970 total	1970 population/HH	Percent population change 70–80
Capitan Village	408	124	31.0		199	105.0	669	0	2.42	439	2.71	52.4
Lincoln County	408	124	31.0		(1)	(1)	669	0	2.42	(1)	(1)	(1)
Capitan division	408	124	31.0		(1)	(1)	669	0	2.42	(1)	(1)	(1)
ED 0336	408	124	31.0				669	0	2.42			

[1] Not applicable.

U.S. DEPARTMENT OF COMMERCE,
Las Cruces, N. Mex., August 19, 1980.

Mr. LEON EGGLESTON,
Clerk Treasurer,
Capitan Village, N. Mex.

DEAR MR. EGGLESTON: This is to notify you that we recanvassed ED 0336, as requested in your Local Review Program Response Form D-74, dated June 26, 1980. The results of that recanvass are shown on the enclosed form.

Thank you for your cooperation in helping us to achieve a complete and accurate count for our entire district.

Sincerely,

MARISELA P. C. THOMPSON,
District Manager.

Enclosure.

GOVERNMENT NAME: VILLAGE OF CAPITAN

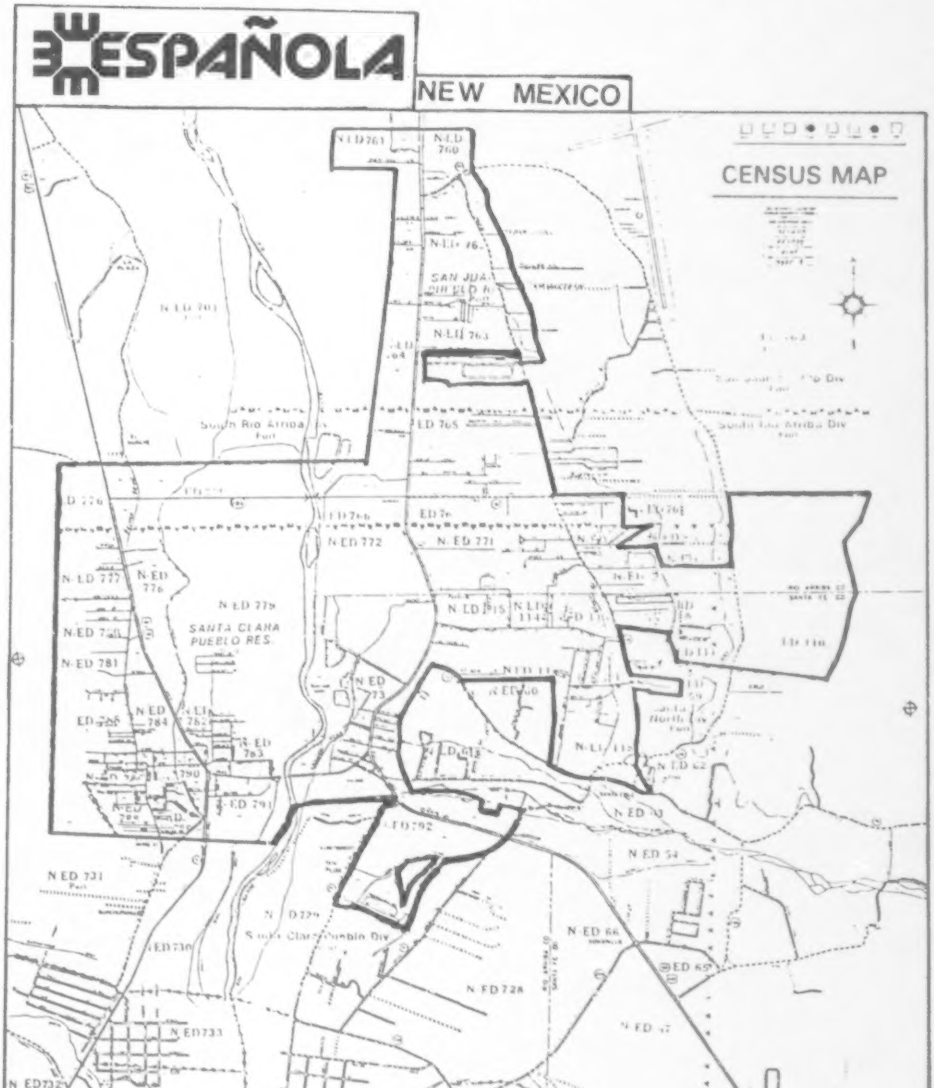
(District Office Las Cruces, D.O. #3184)

Area	Local estimate		Updated census count [1]		Notes
	Housing Units	Population	Housing units	Population	
ED 0336	450	1507	395	769	([2])

[1] If the Census counts have not changed from those previously submitted to you, "NO" will be entered next to the count in this column.

[2] Population.—1960—552; 1970—439; 1980—769.

ATTACHMENTS SUBMITTED BY MAYOR THOMPSON


ESPAÑOLA
NEW MEXICO
CENSUS MAP
N ED 761
N ED 760
N ED 762
SAN JUAN PUEBLO RES.
N ED 763
N ED 701
South Rio Arriba Div
ED 765
ED 776
ED 766
N ED 772
N ED 771
N ED 777
N ED 778
N ED 779
SANTA CLARA PUEBLO RES.
N ED 781
N ED 784
N ED 773
N ED 791
ED 792
N ED 731
ED 730
Santa Clara Pueblo Div
N ED 728
N ED 733
N ED 732
N ED 734
N ED 739
SANTA CLARA PUEBLO RES.
N ED 736
N ED 54
N ED 66
ED 65
N ED 62
ESPAÑOLA & VICINITY
NEW MEXICO

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CITY OF ESPAÑOLA

POST OFFICE DRAWER 37
TELEPHONE: 753-2377

ESPANOLA, NEW MEXICO
87532

August 8, 1980

Mr. Ed Herrera, District Manager
Kimball Building
420 Railroad Avenue
P.O. Box 1427
Las Vegas, NM 87701

RE: Local Review Program

Dear Mr. Herrera:

The City of Espanola hereby wishes to formally challenge the preliminary housing and population counts for the 1980 Decennial Census. The preliminary results are unbelievable!! The City gained a total of 1,058 housing units, but only 236 people. A review of the print-out reveals that ED's 762, 778, 779, and 780 had housing counts of 106, 20, 167, and 2, respectively, with no vacancies, and 0 populations. It also appears that several areas were not counted at all, and other areas were grossly under counted.

It is difficult for City officials to believe that the City only increased its population from 4528 in 1970 to 4764 in 1980 given the fact that the City has annexed the areas comprising seven enumeration districts (0760-0765, and 0110) since the 1970 Census. In addition, the vacancy rates for the City appear to be much too high; and, many of the vacancy rate percentages have been incorrectly calculated.

Please find enclosed a completed Local Review Program Response Form (D-74) for the EDs where problems have been identified as well as documentation on the local estimates.

Your cooperation in providing the City the opportunity to review the preliminary counts is appreciated, and we hope that the problems identified in the City's response are adequately resolved.

Sincerely,

Harvey Krauss
City Planner

HK/jh

Enclosure

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Senator SCHMITT. Our next panel consists of Robert E. Lewis, governor of the Zuni Pueblo; Mr. Frank E. Paul, vice chairman, Navajo Nation; Mr. Herb Fernandez, LULAC State director; Mr. Edward Gomez, KABQ Radio. We will proceed with this panel.

TESTIMONY OF ROBERT E. LEWIS, GOVERNOR, PUEBLO OF ZUNI. ACCOMPANIED BY BENNY ATENCIO; FRANK E. PAUL, VICE CHAIRMAN, NAVAJO NATION; HERB FERNANDEZ, STATE DIRECTOR, LEAGUE OF UNITED LATIN AMERICAN CITIZENS; AND EDWARD GOMEZ, KABQ RADIO

Mr. ROBERT E. LEWIS. Thank you, Mr. Chairman.

My name is Robert E. Lewis and I am the governor of the Pueblo of Zuni. In behalf of the Zuni Tribal Council I extend to this committee appreciation for the opportunity to comment on the issues that are concerned at this oversight hearing.

First, in regard to the very important issue of the 1980 census and the evident fact that a tremendous undercount resulted in New Mexico in general, I am here to specifically point out deficiencies concerned with State Indian population.

Perhaps it would be best if first I were to point out one of the main reasons why a proper comprehensive count did not result, using our own area experience as an example. We all realize that obtaining a national census has become an immense project from what it used to be in back years, with a vastly increased population nationwide. Careful planning and implementation with an ampler amount of time now becomes necessary. Coordination between State and community workers has to be very close. This was not so in our area, and I presume it was the same in many also. Our enumerators were selected in April 1980; orientation and training was given them; then unnecessary time was wasted while they waited for their packets from Sante Fe. We had a turnover in State coordinators three times during the survey, which was the cause of more problems. The final count showed a considerable decrease from our own recorded data, as probably was the same with the majority of New Mexico Indian reservations.

Under the New Federalism, five block grant programs are available directly to Indian tribes. These are: community services; preventive health and health services; alcohol and drug abuse and mental health services; primary care; and low income home energy assistance. Federal regulations instruct tribal eligibility for direct services to two block grants—low income home energy assistance and community services block grants. The basis for grant awards for these programs is U.S. Bureau of Census data; that is, population, poverty, and house unit counts. The lack of accurate data has caused severe cutbacks at the tribal level and which was evidenced by a series of memorandums to the New Mexico State Commission on Indian Affairs from the Associate Commissioner's Office for Family Assistance dated November 17, 1981, and July 27, 1982, basically apologizing for the "imperfect" and "unavailable" data. However, the same data will be used to determine tribal allocations under both grants.

The low income energy assistance was the first direct funding block grant to take effect. State supplied data for 1980 was used to determine New Mexico's grant. Tribal funds were derived, without consultation, by Federal employees who adjusted 1970 census data to reach a 1980 level. Using this formula, for example, the Pueblo of Zuni was allotted a total of $48,881, compared to prior year funding of $122,225. Similarly, the grant amount for Pojoaque Pueblo was $822, compared to the previous year's total of $2,258.

Following are comparisons in 1980 census data and BIA counts among several tribes in New Mexico for the low income home energy assistance program, 1980 census of population, poverty, and housing unit counts:

Tribes	Counts from official 1980 census	BIA counts
Isleta	1,786	3,262
Zuni	6,213	6,782
Toas	1,001	1,915
Picuris	125	145
Jemez	2,052	2,181

Some tribes like Zuni did an independent census count which without exception exceeded BIA 1980 census figures. Samples for the funding level like for the two programs, using the same tribes and using the Federal allocation formula on CSBG allocations:

Isleta	9,812
Zuni	25,571
Toas	4,121
Picuris	553
Jemez	8,846

In 1981, tribes requested direct Federal funding for the low income energy assistance program and were informed that it was determined that the eligible low income tribal population for New Mexico was 7 percent of the total State population. The tribes were unable to operate the two programs under the 7 percent funding level, to which the State agreed that the fundings were inadequate, and that the figures were all wrong. The State funded the tribes at a 13 percent level using tribal-supported data; population, poverty, and housing unit counts.

Where the Federal Government allocated Isleta Pueblo $9,000, with tribal-supported data they received $20,000 through the State. Where the Federal Government allocated $30,000 to the five Sandoval gribes, with tribal-supported data they received $81,000. The Pueblo of Acoma would have received $24,546, through direct Federal funding, but with tribal-supported data they received $35,875 through the State.

These few examples of how a very inaccurate national census undercount can cause problems to the real needy, no matter who they are, I hope will give this committee reason to formulate a solution that will remedy the problem. We are speaking on only two programs at this time, but there are other areas where regulations tied in with the national census will still have to be contended with, and the same unrealistic situation will still confront us. If acceptable, Mr. Chairman, I respectfully request permission to submit for the record added data for the committee from every tribe in New Mexico within the very near future.

From my Pueblo of Zuni, I am submitting with my statement as exhibit No. 1, tribal resident population figures from 1965 to 1981; exhibit Nos. 2, 3, 4, 5, and 6, total resident Indian population data from 1977 to 1981 with available labor force, employed and unemployed figures of the pueblo of Zuni. Exhibit 7 is a total breakdown for 1981 population figures that all denote how our yearly records are kept, which is also being done by the other tribes in the State, and the reason why we all cannot agree with what is considered final in regard to the national census.

[The exhibits referred to follow:]

Exhibit No. 1

Total Resident Population from 1965 to 1981

Year	Male	Female	Total
1965	2,543	2,484	5,027
1966	2,430	2,389	4,819
1967	2,355	2,414	4,769
1968	2,479	2,564	5,043
1969	2,366	2,413	4,779
1970	2,410	2,459	4,869
1971	2,453	2,499	4,952
1972	2,571	2,584	5,155
1973	2,691	2,737	5,428
1975	2,957	3,026	5,983
1976	3,031	3,106	6,137
1977	3,086	3,180	6,266
1978	3,217	3,275	6,492
1979	3,193	3,409	6,602
1980	3,306	3,476	6,782
1981	3,436	3,563	6,999

LABOR FORCE REPORT - April 26, 1977

Exhibit No. 2

TOTAL RESIDENT INDIAN POPULATION

Zuni Indians living on the reservation	6,266
Zuni Indians living off the reservation	565
Total	6,831
Other Indians living on the Zuni reservation	119
GRAND TOTAL	6,950

As of April 15, 1977:

Available Labor Force	2,638	
Employed	1,804	6.8%
Unemployed	834	3.2%

LABOR FORCE REPORT - April 19, 1978

Exhibit No. 3

TOTAL RESIDENT INDIAN POPULATION

Zuni Indians living on the reservation	6,492	
Zuni Indians living off the reservation	573	
Total	7,065	
Other Indians living on the Zuni reservation	121	
GRAND TOTAL	7,186	

As of April 19, 1978:

Available Labor Force	2,695	
Employed	1,622	60.1%
Unemployed	1,073	39.8%

Exhibit No. 4

LABOR FORCE REPORT April 26, 1979:

TOTAL RESIDENT INDIAN POPULATION

Zuni Indians living on the reservation	6,602	
Zuni Indians living off the reservation	506	
Total	7,108	
Other Indians living on the Reservation	135	
GRAND TOTAL	7,243	

As of April 26, 1979:

Available Labor Force	2,879	
Employed	1,845	64.1%
Unemployed	1,034	35.9%

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LABOR FORCE REPORT - April 30, 1980

Exhibit No. 5

TOTAL RESIDENT INDIAN POPULATION

Zuni Indians living on the reservation	6,782
Zuni Indians living off the reservation	606
Total	7,388
Other Indians living on the Zuni Reservation	159
GRAND TOTAL	7,547

As of April 30, 1980:

Available Labor Force	3,020	
Employed	1,755	58%
Unemployed	1,265	42%

LABOR FORCE REPORT - April 30, 1981:

Exhibit No. 6

TOTAL RESIDENT INDIAN POPULATION

Zuni Indians living on reservation	6,999
Zuni Indians living off the reservation	508
Total	7,507
Other Indians living on the Zuni Reservation	137
GRAND TOTAL	7,644

As of April 30, 1981:

Available Labor Force	2,976	
Employed	1,742	59%
Unemployed	1,234	41%

As of August 20, 1982:

Other Indians living on the Zuni Reservation	140
Non-Indians Living on the Zuni Reservation	350
TOTAL ON THE RESERVATION	8,134

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Form 5-2119 Rev. U.S. DEPARTMENT OF THE INTERIOR
ay 1981 Bureau of Indian Affairs

REPORT ON LABOR FORCE
Data are for April (month) 1981 (year)

Reservation Pueblo of Zuni — Exhibit No. 7
County(ies) McKinley
Year 1981
State New Mexico

	Total	MALE	FEMALE
Total Resident Indian Population (b+c EXCLUDING d)	6,999	3,436	3,563
Within the reservation	6,835	3,352	3,483
Adjacent to the reservation (in Okla., Indians in former reservation areas)	164	84	80
Other Indians, not included in labor force data (In California rural parts of counties with reservations or rancherias)	137	63	74
Total under 16 years of age included in line "A"	2,970	1,495	1,475
RESIDENT INDIAN POPULATION OF WORKING AGE (16 years old and over)	XXXXXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXX
Total 16 years and Over (A minus e) (Age Classes g + h + i + j + k)	4,029	1,941	2,088
16 - 24 years	1,475	749	726
25 - 34 "	994	447	547
35 - 44 "	546	236	310
45 - 64 "	664	322	342
65 years and over	350	187	163
Not in-Labor Force (16 years and over), total (n + o + p + q)	1,053	553	500
Students (16 years and over, including those away at school)	666	343	323
Men, physically or mentally disabled, retired, institutionalized, etc.	210	210	XXXXXXXX
Women for whom no child-care substitutes are available	NA	XXXXXXXXXX	NA
Women, housewives, physically or mentally disabled, institutionalized, etc.	177	XXXXXXXXXX	177
Potential Labor Force (16 yrs. and over) F minus M	2,976	1,388	1,588
Employed, Total (t + u)	1,742	837	905
Employed, earning $7,000 or more a year (all jobs)	1,023	524	499
Employed, earning less than $7,000 a year (all jobs)	719	313	406
Not employed (R minus S)	1,234	551	683
Of these, persons actively seeking work	925	413	512

repared by Martin Romancito
Vocational Development Specialist

a Director

a | Approval Date

See Reverse: Superintendent's Evaluation of Data

Superintendent
Field Representative

Agency | Approval Date

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Attachment to Report of Labor Force, Employment and Unemployment as of (month) April (year) 1981	Area Albuquerque Area	Reservation Pueblo of Zuni

Methods and sources. Few Superintendents are in position to provide an actual count of population or labor force, although the use of such data by other Federal agencies has stimulated tribal interest in data improvement. Where an actual count has not been made please describe briefly your method of estimating. Where studies from an earlier period have been drawn upon, identify each by title, author, and date and indicate how the data have been updated.

SUPERINTENDENT'S EVALUATION OF DATA	RATING	LINES IN REPORT					
		A	F	M	R	S	W
With respect to accuracy of the data in this report, the indicated items are rated as follows:	Highly accurate	x	x	x	x	x	x
	Reasonably accurate						
	Unsatisfactory. . .						

(For items marked "unsatisfactory," explain your appraisal.)

Notes and Comments:

None

Superintendent's signature

Field Representative

Date: 6/19/81

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Mr. ROBERT E. LEWIS. Regarding the second issue of this hearing, on the merits of S. 2721—a bill to establish criteria for determining election boundaries in developing census information—the pueblo of Zuni Tribal Council unanimously endorses the concept, and especially since we have been closely following the proceedings of our State legislature in its attempt to create a formula for reapportionment, which of course was declared unconstitutional in January.

In the process the expenditure of funds went into the thousands, which could have been prevented if existing laws had been amended to conform to ever occurring need for changes futurewise, which we are dealing with in these times.

In setting up criteria under Public Law 94-171 for reapportionment and redistricting purposes, we feel that the Secretary of Commerce—if the responsibility was given to that Federal agency—should have used all resources available to design a plan that would contain reasonable flexibility for the varied State areas of our country, instead of creating a blanket regulation which tends to create problems, as illustrated in the *Curry County of New Mexico* case by the Honorable Harrison "Jack" Schmitt.

On the other hand, the different branches of our National Government should not isolate themselves from other branches where reasonable resolvement of problems are concerned. "Branchitis" is another green-eyed monster along with jealousy, and if we expect cohesion and good interrelationships in government, then a law should be created to mandate this. No branch of government serving States and their people should be allowed a kingdom of their own to stand in the way of serving the people in the best way possible. If the Census Bureau needs some tooth pulling, now is the time.

If S. 2721 will have the muscle to require the Census Bureau to provide census tabulations based on the smallest administrative units used by a State in statewide elections and avoid 10 years from now the reapportionment problems New Mexico and other States have undergone in 1982, we are all for it.

This is the end of my statement, Mr. Chairman, and if there are any questions, I will try to answer them. Thank you.

Senator SCHMITT. Thank you, Governor Lewis. One quick question. Did tribal members participate as census employees?

Mr. ROBERT E. LEWIS. Yes.

Senator SCHMITT. Did they have any problem working?

Mr. ROBERT E. LEWIS. There is no problem in the training and understanding of the questionnaires that they had to use, but just the coordination and leadership was not evident because of the fast turnover in coordinators.

Senator SCHMITT. I understand. Were the Zuni people reluctant to provide all the information asked for in those forms?

Mr. ROBERT E. LEWIS. In the case of the very old and those who had very limited education or none at all, they were resentful of some of the questions that were asked and required, but we can hardly blame them because Indians are not the only ones, as you know.

Senator SCHMITT. That is why I was asking the question because certainly that problem existed elsewhere.

Mr. ROBERT E. LEWIS. By the way, before you go to the next presentation, I would like to inform you that Santo Domingo right now is taking their census count again combined with the Bureau of Indian Affairs, the University of New Mexico and the tribe and they feel that the count is in the 3,332 range more in regard to their own record keeping. 3,332 where the national census came out on their count to 2,941, and Mr. Benny Atencio will comment on this later.

Senator SCHMITT. Mr. Atencio, we hope you will submit information for our record.

Mr. ATENCIO. I will, but at this time I would like to correct and add a few comments to that.

Senator SCHMITT. Let's go through the panel and then we will get to you, sir.

Mr. PAUL. Mr. Senator, members of the staff, my name is Frank E. Paul. I am the vice chairman of the Navajo Tribal Council. I am pleased to be here to testify on the 1980 census count.

The Navajo Nation representing the largest Indian population in the United States has been severely impacted by the results of the 1980 Federal census. We have and will continue to oppose not only to the actual counts of the Navajo people, but to the methods and criteria which were used to arrive at the resulting undercount of our population. We first became aware of the census at the Bureau of Census imposium enumerating criteria on the Navajo that conflicts with our unique way of life. Early in 1980, attempts to reconcile this problem resulted in a series of correspondence between the Navajos and the Bureau of Census. One such correspondence, a letter from Mr. Vincent P. Araba, I believe then director for the census to Navajo tribal chairman, Peter McDonald, dated May 7, 1980, states in part that: "Most of the eastern Navajo Agency has not been included as part of the Navajo Reservation." The statement and subsequent action resulted in the deletion of some 35,407 Navajos from being included in the Navajo Nation population has been seriously challenged by the Navajo Tribe, as well as the Bureau of Indian Affairs. To this date, the Census Bureau remains unresponsive to our concerns on the matter.

A major factor contributing to the undercount, not only in New Mexico but in the portion of the Navajo Reservation in Arizona and Utah as well, was the Anglo-oriented techniques and criteria which were used in the actual enumeration process. For example, one such method was the idea of paying census workers on a quota system. Though an exception was made in that Indian workers were to be paid by the hour, a certain quota had to be met in order to qualify for that hourly wage payment. This was, in fact, impractical considering the language problems, the vast distance between households and the simple way of life exhibited by our people in the observances of several protocol.

Second, perhaps the most significant factor was that the Census Bureau failed and flatly refused to recognize that the Navajo culture, Navajo way of life was, in fact, very different from the Anglo concepts elsewhere. Again, for instance, our people do not regulate their affairs based on the idea of their residency and domicile. Our culture dictates that one must continue social and business ties to ones family for life. Let me furthermore expand on this. This means that locale of ones family is to remain in the place of residency even though the person may actually live and work 5 days out of the week in a different location. As our people will always retain that permanent home in the locale of origin and view them as temporary residents of their place of employment, they become eligible for all services including governmental services, tribal governmental services and exercise their right to vote only in the locale of their family origin. They then travel back, not only on weekends and holidays but to receive all governmental services as well.

By refusing to acknowledge this and attributing those people to the population of their temporary place of residency, the Bureau of Census falsely inflated the population of certain areas and undercounted the population in others; a problem which will result in a lack of services for our people for the next 8 years.

Third, I would like to mention that the Navajo Nation has been divided into five geographical divisions by the Bureau of Indian Affairs. Those divisions, known as agencies, form the basis for most Federal governmental services and are irrespective of State and county lines. The Eastern Navajo Agency, which represents at least 22 percent of the Navajo population, was totally deleted from the Navajo Nation total. As represented by Mr. Araba's letter of May 7, 1980, this was strongly contested by the Department of the Interior, Bureau of Indian Affairs, in a letter from the Navajo Area Director through the Commission Agent of the Indian Affairs dated April 3, 1980, which states:

> While it is true that the Eastern Navajo Agency is a checkerboard area outside the Navajo Reservation, perhaps it is a political entity of the Navajo Reservation which is situated within rural Navajo Indian country. The checkerboard area includes Indian allotments and tribal lands which are held in trust by the Federal Government for the benefit of Navajo direct Federal Government services. For instance, some of those services are education, social and medical services and et cetera, as well as reservation Navajo.

The 1980 census count indicated a total Indian population in the Eastern Navajo Agency of New Mexico of 22,158. The Bureau of Indian Affairs and the Navajo Tribe can account for at least 35,476 Navajos who are now rural members of the Navajo Tribe in that agency. The 1980 census count indicated a total Indian population of Shiprock Agency, also in New Mexico, of but 24,877. The Bureau of Indian Affairs and Navajos Tribe can account for at least 31,875 Navajos who are rural members in Navajo Tribes in that agency. Inclusive of the portion of the 14 agencies which lie in New Mexico, we can estimate that the New Mexico Navajo undercount is at least 20,229 Navajos. Arizona and Utah represented similar undercounts based on our census rules.

In August 1981, after receiving full counts, the Navajo Tribal Council passed a resolution that rejected the 1980 Federal census stating in part and I quote:

> The Navajo people do not accept the 1980 census as an official population count. The Navajo Tribal council hereby formally protest the census count. The Eastern Navajo people are also entitled to all other population figures shown as 1980 Federal censuses.

The Navajo Tribal Council urgently requested at that time—and the Bureau of Indian Affairs—to provide for an accurate census enrollment count to be adopted in place of the 1980 census count. Out of that resolution, to this date, we have not received a direct response from the Census Bureau on this or any other matter we have protested.

Prior to the 1990 Federal census, the Bureau of Census must come to grips with the fact that there exists a group of people, first Americans whose lifestyles are unique and whose culture dictates a way of life not consistent with Anglo-American individuals. They must recognize the Navajo Nation and its representative government in light of our treaty with the U.S. Government and treat us accordingly. We stand ready and willing to work cooperatively with any entity of the Federal Government to achieve a fair, accurate, and impartial count of the Navajo population.

I would like to add a couple of comments. One is that I certainly agree with Mr. Clay Buchanan, director of the New Mexico Legislative Council Service, that we should imply and must imply modern technology to be able to identify the American Indian by their belonging to a separate governmental entity, such as belonging to a tribe or individual pueblo; particularly, in counties having more than one reservation or group. The second that I would like to offer you is that, Senator Schmitt, we wholeheartedly support the S. 2721 if it will save all of us some problems in the 1990 census, and I regret I am submitting rushed-together material for the record. Thank you very much.

Senator SCHMITT. We appreciate that for the record and the record, of course, will be open for additional material if you wish to provide it. One quick question. Vice Chairman Paul, it's my understanding that many of the Navajo people individually checked "other" with regard to race rather than checking Indian. Is that because of the identification by tribe rather than with Indians as a very broad general category?

Mr. PAUL. I think that is partly because the people who were held responsible to conduct census counts wanted to make the work as simple as possible for themselves.

Senator SCHMITT. So rather than identifying by tribes, they just checked other rather than checking Indian?

Mr. PAUL. That is correct.

Senator SCHMITT. Mr. Fernandez, would you give us your ideas please?

Mr. FERNANDEZ. Senator Schmitt, members of the staff, I am Herb Fernandez, New Mexico State Director for the League of United Latin American Citizens [LULAC]. Before I read my prepared statements, I would like to make one comment on what was said in panel II in regards to the illegal alien count. There seems to be a lot of concern as to how that is being boxed into the redistricting apportionment problem, and since the discussion was oriented toward the political boundaries, there's a valid concern. However, if you take the data that was put out in a report for the census coverage of national population during the 1980 census by age, sex, and race, the preliminary estimate by demographic analysis, they make a statement here that the number of illegal aliens added to the 1980 estimates varies from 1 to 6 million. That's a pretty large belt to deal with to make any conclusion or decision.

Second, that's with respect to the national census. In respect to the study, if you look at the figures of Hispanics from the increase from 1970 to 1980, I believe the belt is about 6.3 percent. Also, estimates have been made that there has been an out-migration from New Mexico in regards to Hispanics, so adding those variables together or trying to put them together and with a large emphasis on the urgency, I believe that's a little premature to start getting paranoid about the numbers and how they might be affecting the boundaries in New Mexico.

I guess the bottom line here is that we definitely need better data and count both on legal aliens and illegal aliens to make those determinations.

Senator SCHMITT. Herb, do you have any suggestions as how you can make this differentiation between legal and illegal, eligible and ineligible as far as voting is concerned?

Mr. FERNANDEZ. I think the question has been answered today. The illegal aliens that are there have documents that are required to prove that they are here legally. That would not be a very big problem to pin that down.

Senator SCHMITT. Except if they are illegal, they are not going to talk to us.

Mr. FERNANDEZ. On the illegal side, I think there has been a start to get a count for other reasons other than political boundaries, and I think if properly put in perspective by people that they trust, I'm sure that the validity of the data could be proven, and I think that has already been stated in the 1980 census. How much greater effort on the numbers and getting the right people to go out and do the census count would have to be worked out.

Senator SCHMITT. Please proceed.

Mr. FERNANDEZ. On behalf of the LULAC Organization of New Mexico, please accept our appreciation for the opportunity to express views on the 1980 census data and specifically with regard to the Hispanic community. We strongly feel that the growing human resources of persons of Spanish origin will contribute greatly to the strength and welfare of this nation and, therefore, the planning for the education of the economic growth and political participation is dependent on accurate and factual census data. I would like to quote from our Constitution. We believe in the Democratic principal of individual political and religious freedom, the right of equality, of social and economic opportunity and the development of an American society wherein the cultural resources, integrity and dignity of every individual and group constitute basic assets of the American way of life. The pursuit of opportunity and equality can definitely be aided by accurate counts of Hispanics in factual presentations to people and decisionmakers of the State and Nation.

First, I would address two questions posed by this committee. Then I would like to make some general remarks on the importance of continuing efforts to properly categorize and summarize the 1980 census data. First, what is the extent to which New Mexicans were undercounted in the 1980 census. Factually, I have no basis to determine either an undercount or an overcount in the 1980 census. However, in discussing the results of the census and the questions relating to the Hispanic population and the proportion amount in New Mexico, some individuals have expressed concern in the situation of a possible undercount. Furthermore, the Census Bureau should acknowledge further efforts in reaching the Hispanic community groups and in using the Spanish origin questions. I believe that helped.

Second, the merits of S. 2721, a bill to establish criteria for determining election boundaries and developing census information. Again, the idea purposed in this bill is logical from the standpoint of insuring that a good census is conducted. That is, reaching the total population and then applying the actual data to draw in the boundaries at the smallest administrative unit. I would also agree that the Census Bureau continue its efforts to objectively carry out the census and then provide the data in meaningful terms to the general public as stated by Senator Schmitt. New Mexico definitely, I believe, has proved that the use of factual data is required to equitably redraw those boundaries. Therefore, in response to the merits of the purposed bill, I believe it sounds like a reasonable approach.

I would like to make a few remarks to the general 1980 census as it pertains to the State of New Mexico and Hispanics. New Mexico Hispanics numbered approximately 36.6 percent. An increase of 6.3 percent from the 1970 census. It might also be noted that the combined persons of Spanish origin, American Indians and blacks is approaching 50 percent of New Mexico's population now, approximately 46.5 percent. Additionally, the breakout of those Hispanic populations by age clearly shows greater younger populations clustered around 5 to 14 years and 12 to 14 year brackets for approximately 23.4 and 27 respectively. The 1980 census data further shows that the Hispanic population varies in county population from 11 percent to 86.6 percent for individual counties. Additionally, although the rural population is only 27.9 percent total, this rural population of Hispanics is distributed in 19 counties with large percentages of Hispanics. Many of those counties arein areas of the State where early Spanish settlements were established several centuries back and the economic growth has been at a standstill or regressed in some areas of the mountains. The Sangre De Cristo Mountains have benefited very little from U.S. Federal Government programs that supposedly held out the promise for rural and economic development.

Due to the high unemployment in those areas, the Hispanics have moved their residences to metropolitan areas designated under the census, coupled with approximately 23 percent of the Hispanics at or below the poverty level. So if we just take those facts into consideration and translate the census figures of the New Mexico Hispanic population into formulas to distribute low income formula block grants and hopefully additional State dollars, add that to the growing importance of representation to local decision-making bodies based on the voting strength, the importance the valid census data has on Hispanics and Mexicans is obvious.

In summary, I would recommend the following. One, the Census Bureau be urged to continue and expand the analysis and distribution of the 1980 census data to the general public in regards to specific State and community concerns. Two, plan for the next census. Include specific budget priorities to prepare designated race and Spanish origin groups to participate in the precensus program. Increased emphasis on preparatory activities with the community which would definitely improve with actual counts. Three, postcensus analysis and distribution should be done on a more timely basis. Here we are today discussing basic issues in 1982 for the 1980 census. Under the New Federalism movement and reorganization of this Nation's needs, it is imperative, I believe, that valid census results be applied in setting budget priorities.

The State of New Mexico and the Hispanic community more than ever needs the strong support of the Congress. The Federal Government should initiate educational, economic, and rural programs to revitalize the independent spirit and pride of a people that have contributed greatly to this country even before the founding of the United States of America.

Finally, LULAC thanks this committee for the opportunity to present our views on the census, its important influence on the future of Hispanic communities both in fact and in perception of the general public and probably just as important, the community self-perception. Thank you.

Senator SCHMITT. Herb, we are going to have to have a few questions for the record to see how LULAC uses census information in its activities, and we may submit those. One quick thing which Vice Chairman Paul has alluded to as well as yourself is that it's really more than a Navajo or Zuni or Hispanic who might have two residences. It's generally New Mexicans who are very, very often working and living "temporarily" in one place but they consider home in another place. I am no different. Silver City is my home. That's where my family lives. That's where my house is, except I am in Silver City maybe 2 or 3 weeks out of the year, and I go back there to vote. It would seem that it's very difficult in New Mexico to implement anything that would require a person to be registered to vote in the place of their employment. I think that generally the panel agrees with that. Do you?

Mr. FERNANDEZ. I think you can find that all over New Mexico regardless of the place and background.

Senator SCHMITT. Yes, It really does. It is perhaps accented a little bit within certain ethnic groups, but I think it would be hard to say that it is a general population characteristic.

Mr. FERNANDEZ. But I think just like the discussion led to in the second panel emphasizing the importance of deciding what to do with the boundaries and how you count people, I think it would be wise to direct the Census Bureau to get back to their primary objective, and that is to collect valid data and then once you have that valid data produce to the States then the——

Senator SCHMITT. Can the State make the decision?

Mr. FERNANDEZ. Political boundaries, the State can make that decision but you cannot do it without valid data.

Senator SCHMITT. Mr. Gomez, you may present your comments now.

Mr. GOMEZ. Thank you Senator Schmitt. I appreciate the opportunity to participate in this important hearing, and perhaps add a different point of view on census matters as they affect my activities.

Nowadays businesses survive or fail, prosper or merely stay alive depending in some part on statistical information which is necessary for that business. The problem comes when that information is at best, inaccurate and at worst, nonexistent. Unfortunately the main source of data is the Department of Commerce. I say unfortunately because, in my business, the Census Bureau simply has not been able to project accuracy where the Hispanic population of this country is concerned.

Whether one agrees or disagrees on the estimates of Hispanic immigrants—or the lack of them—and indeed, whether one is for or against the proposed new immigration bill, doesn't matter. The fact remains that there is a significant number of persons residing in this country who, according to the Census Bureau, simply do not exist. For many Government officials it doesn't really matter, but to many, many small and medium size businesses these local consumers are the life blood of those businesses. They contribute substantially to the economic health of Albuquerque and many other communities in the United States. And because the Census Bureau has not been able to determine their number hasn't stopped them from continuing to spend their hard earned dollars—thank goodness.

If I may I would like to refer to other sources to point out the severity of this problem: From a Department of Commerce news release "Black undercount cut by one third. The proportion of blacks in the 1980 census was reduced 7.6 to 4.8 percent. Census takers missed 1.3 million blacks on census day 1980." 1.3 million, most of whom are legal U.S. citizens—imagine what happened when it came to the count on illegal persons.

The Christian Science Monitor:

> In the mid 1970's the U.S. Immigration and Naturalizaiton Service estimated that there were 12 million illegal aliens in the country. In the fact of critical analysis, however, the INS arbitrarily lowered the figure to 8 million. In 1980 the Census Bureau reduced the upper estimate to 6 million.

In fact there have been no less than 18 different official opinions on the count.

[The information referred to follows:]

UNDOCUMENTED ALIEN POPULATION

Estimate (in millions)	Year of estimate	Source and year
1.6 (Mexican-origin population only)	1970	Goldberg, Howard, 1974. "Estimates of Emigration from Mexico and Illegal Entry into the United States, 1960-1970, by the Residual Method," unpublished graduate research paper, Center for Population Research, Georgetown University, Washington, D.C., 1974.*
1.0	1972	INS Commissioner Raymond Farrell, Appropriation Hearings, 1972.
1.0 to 2.0	1973	House Committee on the Judiciary Report, 93-108, dated April 5, 1973.
3.9 (Ages 18-44)	1973	Lancaster, Clarice and Frederick J. Scheuren, 1978. "Counting the Uncountable Illegals: Some Initial Statistical Speculations Employing Capture-Recapture Techniques," *1977 Proceedings of the Social Statistics Section, Part I*, pp. 530-535, American Statistical Association, 1978.*
4.0 to 7.0 (but could be as high as 12.0)	1974	Attorney General Statement in October 1974.
4.0 to 12.0	1975	Immigration and Naturalization Commissioner, Leonard F. Chapman, 1975.
8.2	1975	Lesko Associates, 1975. *Final Report: Basic Data and Guidance Required to Implement a Major Illegal Alien Study During Fiscal Year 1976*, prepared for Office of Planning and Evaluation, U.S. Immigration and Naturalization Service, Washington, D.C., October 1975.*

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0.6 to 4.7	1975	Robinson, J. Gregory, 1979. "Estimating the Approximate Size of the Illegal Alien Population in the United States by the Comparative Trend Analysis of Age-Specific Death Rates," unpublished paper presented at the annual meeting of the Population Association of America, Philadelphia, Pennsylvania, April 26-28, 1979.*
0.4 to 1.2 (increase in Mexican-origin population since 1970)	1975	Heer, David M., 1979. "What is the Annual Net Flow of Undocumented Mexican Immigrants to the United States?," Demography, Vol. 16, No. 13, August 1979, pp. 417-423.*
6.0 to 8.0	1976	House Committee on the Judiciary quoting Immigration and Naturalization Service, 1976.
6.0	1976	Guss, Edward Jon, 1977. "Even If You're on the Right Track, You'll Get Run Over If Just You Sit There," I and N Reporter, Vol. 25, No. 4, Spring 1977, pp. 52.*
6.0	1976	Chapman, Leonard F., 1976. Statement before the Subcommittee on Immigration and Naturalization of the Committee on the Judiciary, United States Senate, 94th Congress, Second Session, Washington, D.C., March 17, 1976.*
0.5 to 1.2 (Mexican-origin population only)	1977	Mexico, Centro Nacional de Informacion y Estadisticas del Trabajo, 1979. El Volumen de la Migracion de Mexicanos no Documentados a los Estados Unidos: Nuevas Hipotesis, by Manual Garcia y Driego, December 1979.*
0.7 to 2.2 (Mexican-origin population only)	1977	Reestimation of Mexican Border Survey, 1979, by U.S. Bureau of the Census.*
3.0 to 6.0	1978	Castillo, Leonel, 1978. Statement before the House Select Committee on Population, House of Representatives, 95th Congress, Second Session, Washington, D.C., April 6, 1978, pp. 497-515.*

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Mr. GOMEZ. The Census Bureau has now settled on an estimate of 3.5 million to the 6 million already mentioned. What this means to the Southwestern United States and other large Hispanic areas is that somewhere between 20 and 40 percent of the entire population has been eliminated.

The Los Angeles Times, "undercount of minorities unjustly diminishes the political power of cities, counties and states with large minority populations." And, "50 billion dollars in revenue sharing and other federal programs is alloted on the basis of census figures. The undercount jeopardizes those who need help the most."

But nowhere more, than in the Spanish language radio and television stations of this country, which serves millions of Hispanics and which are an integral part of any community's business industry, contributing favorably to the economic climate, suffer severly from this injustice. Projecting inaccurately the size of any market also hurts the general market. Advertising budgets for an entire area are often determined by retail sales, distribution quotas and population, as well as other factors. When a total segment of the citizens is nonexistent, cities and SMSA's lose valuable marketing dollars—much the same as Government allocations diminish.

Another factor, and probably the most important, as far as the media is concerned is the deplorable inability of rating services to accurately rate Spanish language radio and television stations. In the case of radio, the only rating service remaining in the country and the only one utilized by major and local advertisers—Arbitron, is forced to use data from the Census Bureau. Arbitron in the recent past has made a rather weak attempt at determining accurately the position of Spanish radio stations in high Hispanic markets, but its methodology and criteria leave a lot to be desired. For instance, a county must have more than 30 percent of the population Hispanic in order for a special breakout and weighting to be utilized. Anything less than 30 percent means nothing is done. Because of the frequent language problem and the high incidence, in ethnic areas, of noncooperation from listeners, personal placement and retreival of dairies has been helpful. Also, because of a high percentage of nontelephone homes, special methods have been employed. Now however, Arbitron has decided to eliminate PPR and nontelephone households. Nobody knows exactly why, but it is suspected that extra costs to conduct the Hispanic surveys is one reason, but most assuredly, the pressure from the non-Spanish language broadcasters is another.

In regard to the 30 percent high density hispanic area criteria, and using Albuquerque as an example, Arbitron considers only Bernalillo County as a HDHA and therefore, the special considerations are applied to Bernalillo County. As far as Arbitron is concerned, the other counties surrounding Albuquerque are not HDHA and so no special treatment is given. And then, to add insult to injury, in order for those surrounding counties to be accepted as part of the metro area a vote must be taken by all Arbitron subscribers. Since there is only one Spanish subscriber, the idea become ridiculous.

All of these anornolies and contributors to a situation that is not economically healthy to the Spanish language broadcast industry—

and the general market as well—and they are all derived from the same root problem, the undercount of the census.

It is generally considered that New Mexico's population is more than 40 percent Hispanic. I have heard this since we were considering purchasing out local radio station more than 12 years ago. At the conference just held at the University of New Mexico—Telecommunications and the Southwest—brought here by yourself, the leadoff speakers—including your own presentation—pointed out the strategic importance of this State regarding the future relationship of this country with Latin America. New Mexico can and should be the hub of the four-State southwest border area which will develop and guide those future relations—in all aspects, not just telecommunications. And yet right here at home we cannot even determine how many Spanish speakers reside. The Spanish broadcasters of this country, and I might add the vast majority are not of Hispanic descent, cannot obtain there fair share of advertising dollars because we cannot tell our clients how many we are—residents who every day contribute to the economy of our markets. And Arbitron can't and won't measure the Hispanic audiences properly because of the difficient information provided by the Census Bureau.

Senator SCHMITT. Mr. Atencio, would you like to make a brief comment and then we are going to have to close this off.

Mr. ATENCIO. Thank you, Mr. Chairman. My name is Benny Atencio from Santo Domingo Tribe.

I want to thank the committee for at least giving me a few seconds to express our concern, and I do want on the outset to stress the word urgency of correcting the census data especially for our Indian communities, such as Governor Lewis and Vice Chairman Paul have expressed. I think many problems do exist throughout this country in the way that enumeration took place.

I think it was under counted because of inexperience and so forth, but especially for Indian communities in a case where in my own community we know just about everything that is living there and I see no reason why our own enumerators couldn't help out in the community or the village. We had to stress recounts three times. The coordination coming from outside—like someone has pointed out here, political appointees—directions coming from either Kirtland Air Force Base or Las Vegas, so the records were lost and we stressed the confidentiality and yet those records are somewhere, unable to locate them. Three counts were taken and those counts are either at this point still not coordinated, brought back together so that Santo Domingo's count is accurate.

We depend quite heavily on the records that have been furnished, especially in the New Federalism programs. As you know, the block grants stress that information is going to be used as criteria in distributing of allocations. Well, Santo Domingo—and perhaps after all, those were the only ones that went direct with the previous block grant opportunity—although we were penalized by the small amount of allocations we were able to get but we were hopefully thinking that things would be straightened out be now. Unfortunately, as of yesterday or Friday, the records that were being contracted out by the Human Services Division in Washington to the Bureau of Census to correct and give those accurate pictures of Indian records are not complete and will not be complete until sometime in late September. Yet the applications are due September 1 for those tribes that want to get direct contracts, and the State is going to depend on that information because they are not going to allocate any money unless the data is available.

Again, expressing the point of the importance of this early recount, I would support the Governor's recommendation that data be furnished to your office or the committee or even, at this point, the Census Bureau accept those certified counts undertaken by the tribe and jointly by the Bureau of Indian Affairs, the Public Health and even the University of New Mexico in our case and the State of New Mexico Indian Commission. I think those are legitimate institutions where they could accept those figures as indicated.

In 1979, the Bureau record was 3,000 and our record in 1981 when we undertook a survey shows 3,331 as our residence at Santo Domingo. The census records as of now shows anywhere between 2,100 and 2,300, a drop of well over 1,000. We don't have any migration problems. The only change over is when some person dies and we certainly have a lot more births than deaths, so the only other change in the movement is perhaps for temporary economic reasons people will come into Albuquerque to work, but they retain the personal residence at Santo Domingo so there really shouldn't be any reason of a drop over 1,000 in just that 1-year period of time. This is why we are very concerned. We voiced to the State on the outset of the 1980 census and challenged the Census Bureau. As a matter of fact, your opponent at that time was not satisfied with the count but I don't know what the outcome of that—the suit that was undertaken but we are still not satisfied. The record is pretty bad at this time, and we are asking the committee and the Census Bureau to do a census count immediately.

Senator SCHMITT. Thank you, Mr. Atencio.

I just asked Jennifer Salisbury to look at the possibility of seeing if the Department of Health and Human Services, which oversees most of those block grants and which just happens to report on any appropriation subcommittee, might consider—in view of those delays, allowing the compensation grant to go forward using the tribal proposed data but subject to renegotiations when we get further information. I don't know whether that would be acceptable to the tribe or not but we would at least begin to discuss it with you. It would at least get the process moving and you wouldn't have to wait to apply.

Mr. ATENCIO. I have suggested that. As a matter of fact, we took a lot of time trying to negotiate with the State. The State will not even talk to us because they wanted to take the records, whatever is available, in Washington. In other words, they are passing the buck back to the Feds and this kind of puts it, "that you take it or you leave it."

Senator SCHMITT. Let's see if we cannot intercept that buck as it goes by.

Mr. ATENCIO. I would like to work with your office, and I have got the data that was taken from our tribe.

Senator SCHMITT. We will give you one last comment, and then we are going to have to close.

Mr. TURNER. We understand the concerns that have been voiced here today. We feel we made a significant set of improvements for 1980, but we know we have got a long way to go as we plan the 1990 census. We are willing to listen, and we appreciate the chance to be here today and participate in these discussions.

Senator SCHMITT. I think it is safe to say that the Governmental Affairs Committee is interested in pursuing this matter. Senator Percy is interested as chairman of the relevent subcommittee and who has seen comparable problems in Illinois. I think now is the time to begin the process of preparing for the 1990 census. As we have already indicated today by testimony, comments, and thinking that's taken place in this hearing, there are some things we ought to consider doing now so that we can be prepared to do them if they, in fact, deem the use of modern technology.

The potential restructuring of the enumerator organization is to try to draw on more professional and permanent professionals in this area and the possibility—for lack of a better term, we might call it an enumerators reserve which would be available to be drawn upon for not only the census, but for special censuses that are taking place. We have had two in New Mexico in just the last few years that I helped with in the city of Santa Fe and the city of Las Cruces. In one case, it was to the satisfaction of the community. In the other it wasn't, but that's the roll of the dice to some degree. In those special censuses there seems to be a much higher level of professionalism because we concentrated on it and brought in people for that purpose.

Thank you ladies and gentlemen for your attention. The hearing is now adjourned.

[The hearing was adjourned at 1:24 p.m., to reconvene at the call of the Chair.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

97TH CONGRESS
2D SESSION

S. 2721

To establish criteria for determining election boundaries in developing census information.

IN THE SENATE OF THE UNITED STATES

JULY 1 (legislative day, JUNE 8), 1982

Mr. SCHMITT (for himself, Mr. DOMENICI, Mr. MCCLURE, and Mr. THURMOND) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To establish criteria for determining election boundaries in developing census information.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (c) of section 141 of title 13, United States Code, is amended by adding after "nonpartisan manner." in the third sentence the following new sentence: "Such criteria shall also allow that requested geographic areas may include the smallest administrative units used in conducting statewide elections.".

(b) The amendment made by this Act shall take effect on the date of the enactment of this Act.

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